

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
March 27, 2023 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 March 24, 2023 on or before 5:00 p.m.

Call to Order

Mayor Guthrie called the meeting to order at 6:07 p.m.

Roll Call

Assistant City Clerk, Gladys Gill, 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
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) Minutes for the Work Session dated 03/13/23.
- 2) Minutes for the City Council Meeting dated 03/13/23.
- 3) Consider and/or approve the contract proposal from CIVICPLUS in the amount of \$15,750.00, with \$7,875.00 coming from General Funds and \$7,875.00 coming from BPWA Funds for the

recodification of City Ordinances, Supplementation of all City Ordinances, State Law referencing, and processing of all Municipal Codes books.

- 4) Discuss and/or approve a request from the Downtown Facade Grant Program Application for 15 East Needles, Bixby, Oklahoma, 74008, for \$8,860.00.
- 5) Discuss and/or approve BXSP - 23.03 for Cozort Office No. 2., located at 7607 East 126th Street South, Bixby, Oklahoma 74008.
- 6) Discuss and/or approve BXSP - 23.04 for Marlee Office No. 3., located at 7631 East 126th Street South, Bixby, Oklahoma.
- 7) Discuss and/or approve the Proclamation for the National Telecommunicators Week 2023.
- 8) Discuss and/or approve Glenpool/Bixby Automatic Aid and Liberty/Bixby Automatic Aid Agreements.

Mayor Guthrie said items 1-8 on the Consent Agenda were up for discussion and consideration. Others who spoke: City Planner, O.C. Walker

Councilor Girard asked for clarification on item 5 and item 6. O.C. Walker, spoke about these items and stated that both of these items have been approved by the Planning Committee and have gone through the Technical Advisory Committees. Staff recommends that these items be approved as presented.

O.C. also added that all the materials for the landscaping and exterior facade are in compliance with the status of the PUD; 45% masonry.

Mayor Guthrie asks for a motion to approve Consent items 1-8. 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

Regular Agenda

- 1) Discussion, consideration and possible vote for approval on name designation for the North River Access Park.

Mayor Guthrie said item 1 on the Regular Agenda is up for discussion and consideration.

Item presented by City Manager, Jared Cottle

Others who spoke:

Jared updated the council on the progress of the North River Access project. Phase 1 of construction has been completed and the project is now in phase 2. Jared also mentioned that this project is part of the Downtown River District funded by sales tax. Public surveys were solicited by staff for input on the naming of the park. With the results of the surveys, Jared recommended that the naming of the park be Washington Irving River Park. Vice Mayor Blair thanked Jared for getting the public involved in the process of naming the North River Access project.

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

Carried: 5-0

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

Nays: 0

- 2) Discussion, consideration, and possible vote to approve BXPT - 20.08, Amendment No.1., for Bixby Village located South of 161st East Avenue and one-half mile East of Memorial Drive, Bixby, Oklahoma, 74008.

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

Item presented by O.C. Walker

Others who spoke: Erik Enyart, Tanner Consulting

O.C. Walker spoke on item 2 and reminded the Council of the December 12th meeting where the Council had approved the amendment to the Planned Unit Development (PUD) BXPUD 19.06. The amendment to BXPT-20.08 would amend the plat so that the PUD and plat have similar language. O.C. reassured Mayor Guthrie that no additional changes were made.

Councilor Girard asked for clarification on the exterior materials. Erik Enyart reminded Council that the original intent for amending the PUD was to allow the use of cementitious materials.

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: 4-1

Ayes: Founds, Revelis, Blair, Guthrie

Nays: Girard

- 3) Discussion, consideration, and possible vote to approve BXZO - 23.01, a Rezoning request from Agriculture (AG) to Commercial Shopping (CS) for property located on the Northeast corner of 121st Street South and South Sheridan Road, Bixby, Oklahoma 74008. Ordinance No. 2436.

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

Item presented by O.C. Walker

Others who spoke: City Attorney, Phil Frazier and Justin Morgan, Tanner Consulting

O.C. Walker gave an overview of what the applicant was requesting and that was CS zoning all use by right. O.C. mentioned that the Planning Commission agreed to allow CS zoning but wanted to omit some specific use groups like medical marijuana, liquor stores, sexual oriented businesses, and vape stores. After further research and clarification from Phil Frazier, these use groups cannot be omitted, and if they were, the applicant would have to go through the PUD process to do so.

Mayor Guthrie asked if there would be any complications in developing the area due to the low area near and around the pond, Justin Morgan spoke on this and gave reassurance that this would not be an issue. He also stated that the goal, for now, is to establish the uses.

Mayor Guthrie asks for a motion to approve item 3. 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

- 4) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2436, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie asked for a motion to approve the Emergency Clause of Ordinance 2436.

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

- 5) Discussion, consideration, and possible vote to approve Ordinance 2437 amending sections 5-5D-17, 5-5D-18, 5-5D-19, 5-5D-21B, 5-5D-22A, 5-5D-23B, 5-5D-24A, 5-5D-25 of Bixby City Code: Furnishing or Sale of Tobacco Products to Minors.

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

Item presented by Chief Todd Blish

Others who spoke:

Chief Blish shared with the Council that in 2019, both federal and state laws changed, making it illegal to sell tobacco and vaping products to anyone under the age of 21. All surrounding municipalities have adopted this law and this Ordinance would update the city code to be in compliance with federal and state law. Vice Mayor Blair stated that he was not supportive of this law when it was proposed at the state and federal level.

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

Carried: 4-1

Ayes: Revelis, Girard, Founds, Guthrie

Nays: Blair

- 6) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2437, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie asked for a motion to approve the Emergency Clause of Ordinance 2437.

Councilor Revelis made a motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried: 4-1

Ayes: Revelis, Girard, Founds, Guthrie

Nays: Blair

- 7) Discussion, consideration, and possible vote to approve Ordinance 2438 amending Bixby Public Safety Code Section 5-5d-25; Amending to add any person possessing Schedule I, II, III, IV, or V Drugs as a Controlled Dangerous Substance without prescription.

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

Item presented by Chief Todd Blish

Chief Blish mentioned that this is pursuant to state question 780 passed by the people of Oklahoma in 2019. Simple possession of schedule I, II, III, IV, and V is now a misdemeanor. Ordinance 2438 would allow Bixby PD to arrest and file charges in Bixby for simple possession. This would also keep revenue within Bixby. Chief Blish also mentioned that it would be more efficient to process arrests through Bixby versus having an Officer take someone arrested for possession to Tulsa County.

Councilor Girard made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried: 5-0

Ayes: Girard, Revelis, Founds, Blair, Guthrie

Nays: 0

- 8) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2438, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie asked for a motion to approve the Emergency Clause of Ordinance 2438.

Councilor Girard made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried: 5-0

Ayes: Girard, Revelis, Founds, Blair, Guthrie

Nays: 0

- 9) Discussion, consideration, and possible vote for approval of Ordinance 2439 amending Bixby Administration and Enforcement Code Section 6-2-4; Amending the authority of impoundment and/or release of vehicles from City and State Roadways.

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

Item presented by Chief Todd Blish

Others who spoke:

Chief Todd Blish mentioned that in 2017, the State of Oklahoma modified Title 47, chapter 6, which covers driver's licensing. When an officer has probable cause that a person operating a vehicle has not been granted driving privileges or their driving privileges have been suspended, revoked, canceled, denied, or disqualified, the Officer has the authority to tow the vehicle. Chief Blish also mentioned that the State and all other surrounding municipalities are currently doing the same.

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

Carried: 5-0

Ayes: Blair, Girard, Revelis, Founds, Guthrie

Nays: 0

- 10) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2439, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie asked for a motion to approve the Emergency Clause of Ordinance 2439.

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

- 11) Discussion and recommendation on non-housing community development needs for the City of Bixby. The City of Bixby is planning to submit an FY2023 application to Tulsa County in the Metro Cities category. If awarded funds, the City anticipates receiving approximately \$93,603.27 in Tulsa County FY2023 CDBG funds from the U.S. Department of Housing and Urban Development.

Mayor Guthrie said item 11 on the Regular Agenda is up for discussion and consideration.
Item presented by Justin Dowd
Others who spoke:

Justin Dowd gave an overview of the CDBG program and recommended to the council that the funds coming in from the program be used to put in new sidewalks on both the north and south sides of Dawes from Parker St. to Stanley St. which would provide walking access to and from the future PAC.

Mayor Guthrie asks for a motion to approve item 11. Vice Mayor 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

- 12) Discussion, consideration, and possible vote to authorize the Mayor to sign Resolution 2023-3 to make an application for the 2023 Community Development Block Grant (C.D.B.G.) funds.

Mayor Guthrie asked for a motion to approve signing Resolution 2023-3.

Councilor Girard made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried: 5-0

Ayes: Girard, Revelis, Founds, Blair, Guthrie

Nays: 0

- 13) Discussion, consideration, and possible approval of Ordinance 2406 amending Title 3- Chapter 11 of the City Code: Mobile Food Vendors within the City of Bixby.

Mayor Guthrie said item 13 on the Regular Agenda is up for discussion and consideration.

Item presented by Gladys Gill

Others who spoke: Victoria Oltmann

Gladys Gill presented the council with Ordinance 2406. This ordinance would update the current Mobile Food Vendor Ordinance to allow vending on commercial property and private mobile catering. Ms. Victoria Oltmann asked for clarification on food trucks vending on private property near the Downtown area.

Mayor Guthrie wanted some additional restrictions on vending within 300 feet of S. Memorial Dr and 151st Street corridor. He also wanted the verbiage of *brick-and-mortar* to be changed to a *permanent structure*.

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

Carried: 5-0

Ayes: Guthrie, Revelis, Girard, Founds, Blair

Nays: 0

- 14) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2406, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie asked for a motion to approve the Emergency Clause of Ordinance 2406.

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

- 15) Discuss and/or take action on authorizing City Attorney to prepare User Agreements through June 30, 2023 for current users of the Bixby Community Center.

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

Item presented by Jared Cottle

Others who spoke: Katherine Madewell

Jared Cottle recommended that the Council direct the City Attorney to develop user agreements for the groups that wish to stay at the community center until June 30. Jared also recommended that, in addition to the user agreements, user group insurance would be necessary to make sure the City is covered during the stay of these groups. Councilor Girard asked if the groups would have the option to renew the user agreement at the end of June. Jared replied that at the moment, extending the user agreements at the end of June is not the plan since the building needs high-cost maintenance repairs.

Katherine Madewell wanted to know if her quilting group would be allowed to continue to utilize the community center and that they need help finding a permanent home for her group beyond June 30. Mayor Guthrie asked that the groups not be charged for utilizing the community center from now until June 30.

Mayor Guthrie asks for a motion to approve item 15. Vice Mayor 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

- 16) Discuss and/or take action on amending Agreement with Precision Project Management, Inc. for development of the Flats @ 151st, based on the response to the Privett Addition Request for Proposal.

Mayor Guthrie said item 16 on the Regular Agenda is up for discussion and consideration.

Item presented by Jared Cottle

Others who spoke: Justin Morgan, Tanner Consulting

Jared Cottle brought back to Council the original development agreement with the developer and requested that Council extend the completion date for this project. Jared also recommended that a clawback provision be added. Once the value of the infrastructure improvements are equivalent to the property, the city would exchange the deed for that property. If the project is not completed or has some satisfactory milestone, the deed would return to the City. Mayor Guthrie asked about the clawback provision and how it would work in this case, with this project. Justin Morgan gave a quick timeline of the project. Mayor Guthrie and the council would like to see this project started and completed.

Mayor Guthrie asks for a motion to approve item 16. Councilor Founds made a motion to approve,

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

Carried: 5-0

Ayes: Founds, Guthrie, Revelis, Girard, Blair

Nays: 0

17) City Manager's Report

Jared Cottle gave an update on the upcoming events within the City of Bixby as follows:

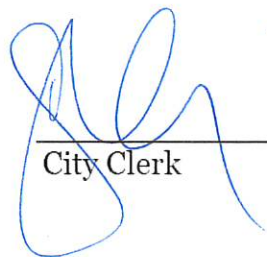
- Traffic light synchronization project along Memorial from 111th to 161st Street.
- 136th and Memorial Dr traffic light.
- Flood Buy Out details on our website.
- The Deer Run buster pump station has been delivered and we are looking to get it tied in this week.
- Junior Police Academy is taking applications from June 5th to June 9th. More info on the police department website.
- Free Landfill Days is April 21st and April 22nd at the Quarry Landfill.
- Easter Fun Day at Washington Irving is sponsored by The Optimist Club on April 8th.
- Vice Mayor Blair gave an update on the Great American Clean Up on April 15th.

18) 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.

19) Adjournment

Adjournment was called at 7:39 p.m.


City Clerk

Mayor



Bixby City Council

Speaker Sign-In Sheet

Date: 03/27/2023

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