

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
April 24, 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 April 21, 2023, on or before 6:00 p.m.

Call to Order

Mayor Guthrie called the City Council Meeting to order at 6:01 p.m.

Roll Call

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

Members Present

Mayor Guthrie
Councilor Founds
Councilor Girard
Councilor Hirshey
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

- 1) Election of a Mayor and Vice Mayor, pursuant to Bixby Charter Section 2.2 (A).

Mayor Guthrie said the first Item on the Agenda is the election of a Mayor and Vice Mayor pursuant to Bixby Charter 2.2

Mayor Guthrie says we will entertain a motion on Mayor. Councilor Founds nominated Mayor Guthrie for Mayor, seconded by Councilor Founds. The vote was taken with the following results:

Carried:4-0

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

Mayor Guthrie asks for a nomination of Vice Mayor. Mayor Guthrie motioned to elect Councilor Founds as Vice Mayor, seconded by Councilor Girard. The vote was taken with the following results:

Carried:4-0
Ayes: Guthrie, Girard, Revelis, Founds
Nays: 0

- 2) Administration of the Oath of Office for Mayor.
Judge Tamera Childers administers the oath of Office to Mayor Brian Guthrie.
- 3) Administration of the Oath of Office for Vice Mayor.
Judge Tamera Childers administers the oath of Vice Mayor to Robert Founds.

Consent Agenda

- 1) Minutes for the Work Session 04/10/2023.
- 2) Minutes for the City Council Meeting 04/10/2023.
- 3) Consider and approve a Site Plan for an exterior remodel along the Memorial Corridor Appearance District for property located at 13000 South Memorial Drive, Bixby, Oklahoma.
- 4) Discuss and/or approve an Amendment to the contract with Garver Engineers for the design of the 111th and Memorial Widening Project; the fee is \$22,000.
- 5) Discuss and/or approve Change Order Requests #1 for the 126th St and Memorial Signalization Project; total \$858.00.
- 6) Accept the infrastructure of Robinson Ranch Ph. 3 Development, located at S 161st St & Riverview, into the City's infrastructure.
- 7) Consider and/or approve purchase to EXACOM, Inc. (sole source) in the amount of \$10,966.76, maintenance renewal for the department's existing recording system.
- 8) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit No. SLO00072230187, Facility No. S20438, Scooter's Coffee #696.
- 9) Consider and take action on an Encroachment Agreement between the City and the David L Murray Revocable Trust and Treva A Murray Revocable Trust, regarding the encroachment of a single-family residence into a utility easement. Location: Lot Eight (8), Block Six (6), The Reserve at Harvard Ponds, 3187 East 145th Street, Bixby, Oklahoma, 74008.

Mayor Guthrie said Item 1-9 on the Consent Agenda is up for discussion and consideration.

Others who spoke: None

Mayor Guthrie requests a motion to approve items 1-9 on the Consent Agenda. Vice Mayor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0
Ayes: Founds, Revelis, Girard, Guthrie
Nay: 0

Regular Agenda

- 1) Award Presentation for Judge Tamera Childers.

Mayor Guthrie presented Judge Tamera Childers with a plaque and thanked her for serving as Municipal Court Judge for the City of Bixby.

- 2) Award Presentation for Council Member/Vice Mayor Paul Blair.

Mayor Guthrie presented Paul Blair with a plaque and thanked him for serving as Vice Mayor/Councilor for the City of Bixby.

- 3) Discussion, consideration, and possible vote to revoke Ordinance 2436.

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

Item presented by OC Walker

Others who spoke: None

Mayor Guthrie briefly described the requirements of the Ordinance. The Ordinance should state "be and the same is hereby admitted to reflect the zoning of CS Commercial Shopping District" that those words must be in the Ordinance, which was not included in Ordinance 2436. Therefore, instead of amending Ordinance 2436, it is easier to revoke it and issue a new Ordinance. (The new Ordinance issued is listed in item 4 which is Ordinance 2440)

Mayor Guthrie asks for a motion to revoke Ordinance 2436. Vice Mayor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0
Ayes: Founds, Revelis, Girard, Guthrie
Nays: 0

- 4) Discussion, consideration, and possible vote on Ordinance 2440 to Rezone the property from Agriculture (AG) to Commercial Shopping (CS) for property located on the northeast corner of 121st and South Sheridan Road, Bixby, Oklahoma.

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

Item presented by OC Walker
Others who spoke: None

OC Walker provided Council with a copy of the new Ordinance 2440 in an Open Meeting. (This Ordinance is attached hereto as an exhibit of this item.)

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

Carried:4-0
Ayes: Girard, Founds, Revelis, Guthrie
Nays: 0

- 5) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2440, making it effective immediately upon passage and adoption of this item.

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

Item presented by OC Walker

Others who spoke: None

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

Carried:4-0

Ayes: Founds, Revelis, Girard, Guthrie

Nays: 0

Mayor Guthrie skips over calling Item 6 and Calls the City Manager Report and calls the Bixby Public Works Authority Agenda

- 6) Motion to enter into Executive Session:

- a. Discussion on the appointment of a new Municipal Judge and an alternate Municipal Judge. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1

Mayor Guthrie said Item 6 on the Regular Agenda is up for discussion and consideration.

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

Carried:4-0

Ayes: Revelis, Founds, Girard, Guthrie

Nays: 0

Mayor Guthrie advises applicants that the Judge position is a Council position, not a Mayor's position. Judge Childers term will end at the end of April, so the council had to act quickly to appoint a new Judge. The way that process will be handled is going to be in an executive session. Each applicant will be called in individually for an interview. Each interview takes around 15-20 minutes. Once all applicants are interviewed, the council will discuss the candidates for a new and alternate Judge.

Time: 6:14 pm

The City Manager, Mayor, and Council enter an Executive Session to interview nine applicants for the Judge position.

Time 9:17 pm

Mayor Guthrie says no action was taken in the Executive Session.

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

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

Guthrie asks for a motion to exit the Executive Session. Vice Mayor Founds made a motion to

approve, seconded by Councillor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Founds, Revelis, Girard, Guthrie

Nays: 0

Mayor thanks all applicants for appearing and interviewing with the City of Bixby for Municipal Court Judge.

- 8) Consider and take any necessary action resulting from discussion on employment of a new Municipal Judge.

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

Mayor Guthrie requests a motion to approve item 8 for a new Municipal Court Judge. Vice Mayor Founds motioned to hire Jason Rush as the new Municipal Judge, seconded by Councilor Girard. The vote was taken with the following results:

Carried:4-0

Ayes: Founds, Girard, Revelis, Guthrie

Nays: 0

- 9) Consider and take any necessary action resulting from discussion on employment of a new Alternate Municipal Judge.

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

Mayor Guthrie requests a motion to approve a new Alternate Municipal Court Judge. Vice Mayor Founds motioned to hire Sheen Burgess as the new alternate Municipal Court Judge, seconded by Councilor Girard. The vote was taken with the following results:

Carried:4-0

Ayes: Founds, Girard, Revelis, Guthrie

Nays: 0

- 10) Administration of the Oath of Office for Municipal Judge.

Judge Tamera Childers administers the oath to Jason Rush as Municipal Court Judge.

- 11) Administration of the Oath of Office for alternate Municipal Court Judge.

Judge Tamera Childers administers the oath to Sheena Burgess as alternate Municipal Court Judge.

- 12) City Manager's Report

City Manager Jared Cottle gives updates on projects.

- East Frye Creek Trail is open. The trail between 131st East of Sheridan on Frye Creek goes up to Cross Creek Plaza, crosses under Memorial, and then goes up to 121st at the Twin Creeks subdivision just East of Memorial. This project is local and federally funded. Federal Funds were administered through INCOG, and the City matched dollars for this project. Some punch list items are still being worked on with ODOT, hoping to add to the trail in the future.
- Development Director OC Walker is working with our consultant Matrix on our building and subdivision regulations. Public meetings will be held over the next several weeks. Anyone interested in the City Zoning and Subdivision regulations is invited to participate.

- Update on Fire and Ambulance Trucks- There will be at least two new diesel Ambulance Trucks as of the beginning of next year.

Upcoming Events

- 19th annual Handlebar and Hotrods Car Show - 5/13/23
- Bixby Chamber Event "Fiesta on the Rio" - 5/6/23 from noon to midnight.
- Bixby Fine Arts Crawl and Fair Event- 5/6/23 at Bixby Public School
- Fishing Derby hosted by Bixby Optimist Club-5/13 at Lake Bixhoma from 7:30-12:30
- 126th Street Project intersection to be completed towards the end of May

13) New Business

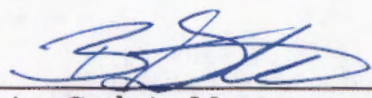
In accordance with the Open Meeting act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

14) Adjournment

Mayor Guthrie says the meeting is adjourned at 9:23 p.m.



Shannon Duran, City Clerk


Brian Guthrie, Mayor

Attachment to
Item 4
minutes
4/24/23

ORDINANCE NO. 2440

AN ORDINANCE NUMBER 2440; APPROVING REZONE (BXZO – 23.01) for
A part of the Southwest quarter of the Southwest Quarter (SW/4 SW/4) of Section
Thirty-Five (35), Township Eighteen (18) North, Range Thirteen (13) East, Tulsa
County, Oklahoma, more particularly described as follows to wit:

Beginning at a point at the southwest corner of said Section, thence in a
northerly direction along the west line of said Section a distance of 470 feet,
thence in an easterly direction and parallel to the south line of said section
a distance of 470 feet, thence in a southerly direction and parallel to the west
line of said section a distance of 470 feet to the south line of said section,
thence in a westerly direction along said south line to the point of beginning,
containing five (5) acres more or less.

THE RECORDINGS REFERENCES AND OFFERS OF DEDICATION FOR
ALL STREETS AND EASEMENTS LOCATED WITHIN OR ADJACENT TO
THE PLAT OR UTILIZED OR IMPACTED BY THE PLAT ARE AS SHOWN
ON THE RECORDED PLAT

A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF
OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TO ALLOW COMMERCIAL SHOPPING (USE UNIT # 11) AND REPEALING
ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN
EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA:

“Be, and the same is hereby amended to reflect the zoning of CS Commercial
Shopping District”.

Section 1. That Ordinance No. 2440 be and the same is now the following described property,
to-wit:

A part of the Southwest quarter of the Southwest Quarter (SW/4 SW/4) of Section Thirty-
Five (35), Township Eighteen (18) North, Range Thirteen (13) East, Tulsa County,
Oklahoma, more particularly described as follows to wit:

Beginning at a point at the southwest corner of said Section, thence in a northerly direction
along the west line of said Section a distance of 470 feet, thence in an easterly direction
and parallel to the south line of said section a distance of 470 feet, thence in a southerly
direction and parallel to the west line of said section a distance of 470 feet to the south line

of said section, thence in a westerly direction along said south line to the point of beginning, containing five (5) acres more or less.

SUBDIVISION STATISTICS

5.07 ACRES

THE RECORDINGS REFERENCES AND OFFERS OF DEDICATION FOR ALL STREETS AND EASEMENTS LOCATED WITHIN OR ADJACENT TO THE PLAT OR UTILIZED OR IMPACTED BY THE PLAT ARE AS SHOWN ON THE RECORDED PLAT

Located on the Northeast corner of 121st Street South and South Sheridan Road, Bixby, Oklahoma.
"Be, and the same is hereby amended to reflect the zoning of CS Commercial Shopping District".

Section 2. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 3. EMERGENCY CLAUSE. That because this Ordinance is essential to the proper and orderly growth of the City of Bixby, an Emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof second reading of this ordinance is waived and this Ordinance shall take effect and be in force immediately upon its passage.

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 27th day of March, 2023.

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 24th day of April,- 2023.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney