

City Council Meeting Minutes

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

July 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 July 21, 2023, on or before 5:00 p.m.

Call to Order

Mayor Guthrie called the City Council Meeting to order at 6:09 pm.

Roll Call

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

Members Present

Mayor Guthrie
Vice Mayor Founds
Councilor Girard
Councilor Revelis
Councilor Hirshey

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) Minutes for the Work Session dated 07/10/23.
- 2) Minutes for the City Council Meeting dated 07/10/23.

- 3) Consider and/or approve a Specific Use Permit (BXSUP - 23.02) for Scratch Golf which is located at 9 and 11 East Dawes Avenue, Bixby, Oklahoma 74008.
- 4) Consider and/or approve a Site Plan (BXSP - 23.08) for Storij Bixby, located at 7865 East 126th Street South, Bixby, Oklahoma 74008.
- 5) Consider and/or Approve the purchase of Dura Edge infield dirt for Baseball Quad 1 in the amount of \$20,600.00, which was budgeted out of the FY-2024 Capital Budget. (Estimated at \$206.00 per ton; each field will take 22-25 tons for a total of 100 tons.)
- 6) Consider and/or Approve the purchase of Dura Edge infield dirt for Baseball Quad 2 in the amount of \$20,600.00, which was budgeted out of the FY-2024 Capital Budget. (Estimated at \$206.00 per ton; each field will take 22-25 tons for a total of 100 tons.)
- 7) Consider and/or Approve the purchase of Dura Edge infield dirt for Baseball Quad 4 in the amount of \$51,850.00, which was budgeted out of the FY-2024 Capital Budget. (Estimated at \$206.00 per ton; Quantity 250 tons)
- 8) Discuss and/or take action on General Utility Easement Dedications for off-site utilities to serve Robinson Ranch IV. (1st Easement location on map)
- 9) Discuss and/or take action on General Utility Easement Dedications for off-site utilities to serve Robinson Ranch IV. (2nd Easement location on map)
- 10) Discuss and/or take action on General Utility Easement Dedications for off-site utilities to serve Robinson Ranch IV. (3rd Easement location on map)
- 11) Discuss and/or take action on General Utility Easement Dedications for off-site utilities to serve Robinson Ranch IV. (4th Easement location on map)
- 12) Discuss and/or take action on General Utility Easement Dedications for off-site utilities to serve Robinson Ranch IV. (5th Easement location on map)
- 13) Award Asbestos Abatement Project at 111th and Cabaniss to Asbestos Handlers as the lowest and best bidder; bid is \$32,500.
- 14) Discuss and/or approve GIS Maintenance Fee for Meshek and Associates to provide technical support and updates as needed for the GIS web viewer; the not-to-exceed fee is \$30,000.
- 15) Consider and/or approve the recurring annual fee for ESO software utilized by EMS and Fire to provide incident documentation, equipment/resource tracking, and personnel management in the amount of \$15,558.63.
- 16) Discussion and/or approval to enter into an interlocal agreement for medical oversight for both Ambulance Services and Emergency Medical Response Agency (EMRA) Services with the Emergency Physicians Foundation (EPF).
- 17) Consider and/or approve the OMAG (Oklahoma Municipal Group) recommendation for denial for claimants OG&E, Claim 212923-1-MR.

Mayor Guthrie said items 1-17 on the Consent Agenda were up for discussion and consideration. Mayor Guthrie stated that item 4 needed to be pulled and stricken from the agenda. Councilor Hirshey asked for item 3 to be pulled for a separate vote and then exited the council

chambers before the council considered and voted on item 3.

Mayor Guthrie asked for a motion to approve item 3. Councilor Girard made a motion to approve, seconded by Councilor Revelis. Councilor Hirshey was not present for the vote. The vote was taken with the following results:

Carried: 4-0

Ayes: Girard, Revelis, Founds, Guthrie

Nays: 0

Mayor Guthrie asked for a motion to approve items 1-2 and 5-17. Vice Mayor Founds made a motion to approve, seconded by Mayor Guthrie. Councilor Hirshey was not present for the vote. The vote was taken with the following results:

Carried: 4-0

Ayes: Founds, Guthrie, Girard, Revelis

Nays: 0

Regular Agenda

- 1) Discussion, consideration, and possible vote to approve a Comprehensive Plan Amendment (BXCP - 23.01), for properties located 8150, 8160, and 8170 East 131st Street South, Bixby, Oklahoma 74008. Ordinance 2447

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: None

Mr. Walker requested the council to consider amending the comprehensive plan from medium residential to neighborhood commercial and change the subject zone from single-family residential to CS (Commercial Shopping). Mr. Walker stated that staff and the Planning Committee both support the comprehensive plan change.

Mayor Guthrie asked for a motion to approve item 1. Vice Mayor 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, Hirshey, Guthrie

Nays: 0

- 2) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2447, making it effective immediately upon passage and adoption of this item. (Comprehensive Plan)

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

Item presented by: O.C. Walker, City Planner

Others who spoke: None

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

Carried: 5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 3) Discussion, consideration, and possible vote to approve Rezone (BXZO-23.04, BXZO-23.06, and BXZO 23.07) for properties located at 8150, 8160, and 8170 East 131st Street South Bixby, Oklahoma. Ordinance 2448

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

Item presented by: O.C. Walker, City Planner

Others who spoke: None

Mr. Walker requested the council to consider amending the comprehensive plan from medium residential to neighborhood commercial and change the subject zone from single-family residential to CS (Commercial Shopping). Staff and the Planning Committee also support the rezoning change and recommend approval. Councilor Girard inquired if public notice was given about the changes being made. Mr. Walker assured the council that public notice had been posted.

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

Carried: 5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

- 4) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2448, making it effective immediately upon passage and adoption of this item. (Rezone)

Mayor Guthrie said item 4 on the Regular Agenda was up for discussion and consideration.

Item presented by: O.C. Walker, City Planner

Others who spoke: None

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

Carried: 5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 5) Discussion, consideration, and possible vote to approve Preliminary Plat (BXPT-23.07) for Ellis Ranch located on the South side of East 161st Street South and West of South Memorial Drive, Bixby, Oklahoma 74008.

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

Item presented by: O.C. Walker, City Planner

Others who spoke: Erik Enyart, Tanner Consulting

Mr. Walker presented to the council the Preliminary Plat for Ellis Ranch and stated that the PUD was previously approved and required 75 percent masonry on the exterior. He also stated that the property had also been through TAC. Staff recommended approval of the Preliminary Plat and reassured Mayor Guthrie that no changes had been made to the PUD. Erik Enyart with Tanner Consulting spoke and answered Councilor Girard's question on drainage and confirmed that the developer would take care of all the drainage so it may not negatively affect the surrounding neighborhoods. Mayor Guthrie inquired as to the detention ponds.

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

Carried: 5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 6) Discussion, consideration, and possible vote to approve a Final Plat (BXPT-23.09) for Robinson Ranch Commercial, located One-Quarter mile south of 161st Street South and East of South Memorial Drive, Bixby, Oklahoma 74008.

Mayor Guthrie said item 6 on the Regular Agenda was up for discussion and consideration.

Item presented by: O.C. Walker, City Planner

Others who spoke: Erik Enyart, Tanner Consulting

Mr. Walker presented to the council for approval of the Final Plat for Robinson Ranch Commercial. Staff and the Planning Committee recommend approval by the council. Mayor Guthrie inquired about the southwest corner of the lot and asked if that area is within the flood zone and asked if it would be platted as a reserve area. Erik Enyart confirmed that it is within FEMA's one-hundred-year floodplain.

Mayor Guthrie asks for a motion to approve item 6. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. Mayor Guthrie abstained. The vote was taken with the following results:

Carried: 4-0-1

Ayes: Hirshey, Founds, Girard, Revelis

Nays: 0

Abstained: Guthrie

- 7) Discussion, consideration, and possible vote to approve a Final Plat (BXPT-23.08), for Robinson Ranch IV, located One-Quarter mile south of 161st Street South and East of South Memorial Drive, Bixby, Oklahoma 74008.

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

Item presented by: O.C. Walker, City Planner

Others who spoke: Erik Enyart, Tanner Consulting

Mr. Walker presented to the council for approval of the Final Plat for Robinson Ranch IV. Staff and the Planning Committee recommend approval by the council.

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

Carried: 3-1-1

Ayes: Founds, Hirshey, Revelis

Nays: Girard

Abstained: Guthrie

- 8) Discuss and/or approve an Agreement with Holloway, Updike, and Bellen, Inc. for the design of the replacement of the 12-inch waterline crossing Snake Creek; the fee is \$47,400.00.

Mayor Guthrie said item 8 on the Regular Agenda was up for discussion and consideration.

Item presented by: Justin Dowd, City Engineer

Others who spoke: Jared Cottle, City Manager

Mr. Dowd discussed with the Council the need to replace a 12-inch waterline crossing Snake Creek that, due to erosion, has exposed the line. Councilor Girard asked how long the disruption of

service would be during the replacement of the waterline. Both Mr. Dowd and City Manager, Jared Cottle, reassured the Council that disruption of service was not expected.

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

Carried: 5-0

Ayes: Founds, Hirshey, Girard, Revelis, Guthrie

Nays: 0

- 9) Discussion, consideration, and possible vote for approval of a Resolution of the City of Bixby, Oklahoma, authorizing the City to enter into and the Mayor to execute a Project Agreement for the installation of an emergency vehicle warning signal along State Highway 67 by and between the City of Bixby and the Oklahoma Department of Transportation. Resolution 2023-17

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

Item presented by: Justin Dowd, City Engineer

Others who spoke: None

Mr. Dowd discussed with the Council the need to approve a Resolution to authorize the City and the Mayor to enter into a Project Agreement for the installation of an emergency vehicle warning signal with the City of Bixby and ODOT.

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

Carried: 5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 10) Discussion, consideration, and possible vote for approval to take action on terminating the FY24 Property Maintenance Contract with MT Brush Hogging Dozer and Lawn; awarding Bixby Creek mowing to BOCA Outdoors as the next best bid, re-bid remaining mowing contracts, and engaging the services of other contractors on an interim basis to maintain the properties.

Mayor Guthrie said item 10 on the Regular Agenda was up for discussion and consideration.

Item presented by: Bea Aamodt, Public Works Director

Others who spoke: None

Ms. Aamodt asked for the council to approve action on terminating the Property Maintenance Contract with MT Brush Hogging Dozer and Lawn due to performance being inadequate. Ms. Aamodt's recommendation is for the council to terminate the contract with MT Brush Hogging Dozer and Lawn and award Bixby Creek mowing to BOCA Outdoors and re-bid the remaining mowing contracts. Ms. Aamodt also asked the council to approve staff to obtain bids on maintaining the properties on an interim basis until the re-bid process is completed and awarded.

Councilor Girard asked if the mowing of the intersection could be of high priority. Mayor Guthrie asked about the budget for the remaining properties that need mowing on an interim basis. Since the mowing on an interim basis is only for 6 weeks, Ms. Aamodt assured the council that it shouldn't be over \$10,000.00.

Mayor Guthrie asks for a motion to approve item 10. Councilor Girard made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried: 5-0

Ayes: Girard, Hirshey, Revelis, Founds, Guthrie

Nays: 0

- 11) Discussion, consideration, and possible vote to approve an Ordinance amending language to sections 7-5C-3-A-C and 7-5C-4-E of Ordinance 2426 "Cemetery Rules and Regulations". Ordinance 2449

Mayor Guthrie said item 11 on the Regular Agenda was up for discussion and consideration.

Item presented by: Bea Aamodt, Public Works Director

Others who spoke: None

Ms. Aamodt asked the council to approve amending language to sections 7-5C-3-A-C and 7-5C-4-E of Cemetery Rules and Regulations as well as revising hours of operation with an additional fee for services held after 2:00 PM. Discussion ensued between council members regarding the hours of operation for the cemetery and the additional fee for funeral services held after 2:00 PM. The mayor asked if the conclusion of service time could be moved from 4:00 PM to 5:00 PM. Ms. Aamodt agreed to amend as requested by the council.

Mayor Guthrie asks for a motion to approve item 11. Councilor Revelis made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried: 5-0

Ayes: Revelis, Hirshey, Girard, Founds, Guthrie

Nays: 0

- 12) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2449, making it effective immediately upon passage and adoption of this item.

Mayor Guthrie said item 12 on the Regular Agenda was up for discussion and consideration.

Item presented by: Bea Aamodt, Public Works Director

Others who spoke: None

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

Carried: 5-0

Ayes: Revelis, Founds, Girard, Hirshey, Guthrie

Nays: 0

Mayor then asked to move to item 19, City Manager's Report.

- 13) Motion to enter into Executive Session:

- a. *Confidential communications and discussions among the City Council and its attorney concerning litigation regarding Tulsa County v. City of Bixby. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.*

Mayor Guthrie reopened the Regular Agenda and said item 13 on the Regular Agenda is up for discussion and consideration. Mayor Guthrie asked for a motion to enter into Executive Session at 7:34 PM. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried: 4-1

Ayes: Founds, Hirshey, Revelis, Guthrie

Nays: Girard

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

At 8:17 pm, Mayor Guthrie said that no action was taken during the Executive Session.

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

Carried: 5-0

Ayes: Revelis, Girard, Hirshey, Founds, Guthrie

Nays: 0

- 15) Discuss and/or take action on sole source designation of Premier Steel for the Fast Cast Bridge® system and purchase of same for White Church Creek on 131st Street.

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

Item presented by: Jared Cottle, City Manager

Others who spoke: Phil Frazier, City Attorney

In the interest of getting the bridge replaced and with the goal of finishing and opening the bridge prior to school starting, City Manager, Jared Cottle asked the council to designate Premier Steel as the sole source of the Fast Cast Bridge system. Mr. Cottle stated that this is an emergency request that needs to be addressed quickly due to public safety and societal costs due to the detour of the daily commute. City Attorney, Phil Frazier stated to the council that the city is making this recommendation without prejudice despite certain claims from Tulsa County. The city believes it is the country's responsibility to fix the bridge. The city is not assuming any debt obligation or waiving the obligation of the county.

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

Carried: 5-0

Ayes: Hirshey, Girard, Revelis, Founds, Guthrie

Nays: 0

- 16) Discuss and/or take action on awarding lowest and best bid for demolition and site preparations for the White Church Creek Bridge on 131st Street.

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

Item presented by: Jared Cottle, City Manager

Others who spoke: Phil Frazier, City Attorney

In order to install the new bridge, there is a three-phase process. The first phase would be to remove the existing bridge and lay the new foundation. The city did solicit bids from companies with prior experience with similar projects. Two bids were received and Diversified Civil Contractors were the lowest and best bidder with prior experience in the installation of these types of bridges. City Attorney, Phil Frazier stated to the council that the city is making this recommendation without prejudice despite certain claims from Tulsa County. The city believes it is the country's responsibility to fix the bridge. The city is not assuming any debt obligation or waiving the obligation of the county.

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

seconded by Councilor Girard. The vote was taken with the following results:

Carried: 5-0

Ayes: Hirshey, Girard, Revelis, Founds, Guthrie

Nays: 0

- 17) Discuss and/or take action on awarding lowest and best bid for bridge assembly and construction for the White Church Creek Bridge on 131st Street.

Mayor Guthrie said item 17 on the Regular Agenda was up for discussion and consideration.

Item presented by: Jared Cottle, City Manager

Others who spoke: Phil Frazier, City Attorney

In order to install the new bridge, there is a three-phase process. The second phase would be the assembly and construction of the bridge. The city did solicit bids from companies with prior experience with similar projects. Diversified Civil Contractors were the lowest and best bidder with prior experience in the installation of these types of bridges. Phil Frazier made the same caveat to the council. City Attorney, Phil Frazier stated to the council that the city is making this recommendation without prejudice despite certain claims from Tulsa County. The city believes it is the country's responsibility to fix the bridge. The city is not assuming any debt obligation or waiving the obligation of the county.

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

Carried: 5-0

Ayes: Revelis, Hirshey, Girard, Founds, Guthrie

Nays: 0

- 18) Discuss and/or take action on authorizing Staff to proceed with awarding lowest and best bid for roadway reconstruction and overlay upon completion of the White Church Creek Bridge on 131st Street.

Mayor Guthrie said item 18 on the Regular Agenda was up for discussion and consideration.

Item presented by: Jared Cottle, City Manager

Others who spoke: Phil Frazier, City Attorney

The third phase would be the roadway reconstruction and overlay upon the completion of the bridge. Jared Cottle asked the council to authorize staff to solicit and obtain three (3) bids and award the project to the lowest and best as required by the Competitive Bidding Act. Staff will bring the winning bid back to the council for ratification. Phil Frazier made the same caveat to the council. City Attorney, Phil Frazier stated to the council that the city is making this recommendation without prejudice despite certain claims from Tulsa County. The city believes it is the country's responsibility to fix the bridge. The city is not assuming any debt obligation or waiving the obligation of the county.

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

Carried: 5-0

Ayes: Revelis, Founds, Girard, Hirshey, Guthrie

Nays: 0

19) City Manager's Report

City Manager, Jared Cottle, gave an update on projects and upcoming events.

- Equipment for the traffic light signals at 128th and Memorial has been delivered. The outside lanes will be closed for 3 weeks during the installation of equipment and electronics.
- OG&E will be moving powerlines on Memorial between 151st and 148th St.
- On 07/28 at Charley Young Park, students will perform from 7-8:00 PM; Proband will perform from 8-9:00 PM; and the movie featured for Movies in the Park will be Top Gun at 9:30 PM.
- On 08/28 at Charley Young Park, students will perform from 7-8:00 PM; Travis Kidd will perform from 8-9:00 PM; and the movie featured for Movies in the Park will be Mario Brothers at 9:30 PM.

Mayor Guthrie asked to recess the Regular Agenda and opened the Bixby Public Works Authority Agenda at 7:06 PM.

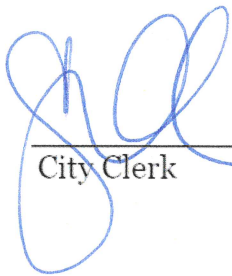
20) New Business

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.

Mayor Guthrie said there is no new business to discuss.

21) Adjournment

Mayor Guthrie called adjournment at 9:18 pm.



City Clerk



Mayor



Bixby City Council Speaker Sign-In Sheet

Date: 7/24/23

***Please list "Consent" or "Regular" with the Item Number ***

[illegible]