

Notice and Agenda Work Session Meeting of The Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
October 25th, 2021, at 5:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Presentation of responses to the re-issued Midland Addition Request for Proposal.

Jared Cottle

Notice of Posting

This Notice and Agenda was posted on the bulletin board October 22 on or before 5:00 p.m., at City Hall, 116 West Needles Bixby Oklahoma.

Respectfully submitted,

Yvonne Adams, City Clerk

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: yadams@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD 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.

City Council Meeting Agenda

Municipal Building
116 W. Needles Ave., Bixby, OK 74008
October 25th, 2021 at 6:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Pledge of Allegiance

Invocation

Consent Agenda

City Clerk's Report

Consider and approve:

- a) Minutes for the Work Session meeting dated 10/11/21.
- b) Minutes for the City Council meeting dated 10/11/21.
- c) Consider and approve purchase of 2 tons (80 bags cost per bag \$161.50) of Holman Homerun Ryegrass from Holman Seed Farms for an amount of \$12,920.00.
- d) A resolution concerning coronavirus local fiscal recovery funds for non-entitlement units of government (ARPA funds).

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- e) Discuss and/or take action on extending the time to award contract for the 2021 CIRP - South Asphalt Rehabilitation an additional fifteen days per the provisions in the contract documents.
- f) Discuss and/or take action on extending the time to award contract for the 2021 CIRP - North Asphalt Rehabilitation an additional fifteen days per the provisions in the contract documents.
- g) Discuss and/or take action on request for Tier One (1) event status by Bixby Optimist Club for the Annual Fall Festival at Washington Irving Park on October 30th, 2021.
- h) Accept the infrastructure at Goodwill Store Development, located at 136th St and Memorial Drive, into the City's infrastructure.
- i) Accept the infrastructure at The Learning Experience Development, located at 126th St South and Memorial, into the City's infrastructure.
- j) Approve final acceptance of the 151st & Mingo Storm Sewer Project with a final contract amount of \$457,643.51.
- k) Accept the infrastructure at Medwise Urgent Care, located at 148th St and Memorial Drive, into the City's infrastructure.
- l) Accept the infrastructure at Tulsa County Library Development, located at South B Ave and Breckenridge, into the City infrastructure.
- m) Accept the infrastructure at Bridge Church Development, located at 121st St. and Memorial Drive, into the City's infrastructure.
- n) Discuss and/or approve purchase of a Skid Steer for the Street Department from White Star at a cost of \$47,405.38 after trade-in and declare T300 Bobcat Skid Steer as Surplus for trade-in.
- o) Discuss and/or approve repair of the Street Department backhoe at a cost of \$30,00.

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Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chamber

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

Regular Agenda

1. Discuss and/or take action to recommend or declare a date for celebration of Halloween Trick-or-Treating by City of Bixby for the 2021 year.
Bryan Toney
2. Discuss and/or take action on directing Staff and City Attorney to initiate contract negotiations on the Midland Addition Request for Proposal.
Jared Cottle
3. Discussion and possible action on Ordinance Number 2367, JR Donelson, Inc., First Baptist Church, Specific Use Permit (BXSUP-21.04) to allow a church use in an AG District. General Location: 6020 East 151st Street, Bixby, Oklahoma
Carolyn Back
4. Discussion and possible action to declare an emergency regarding Ordinance Number 2367 making it effective immediately upon passage and approval.
Carolyn Back
5. Discussion and possible action for JR Donelson, First Baptist Church, Preliminary Plat and Final Plat (BXPT-21.14). General Location: 6020 East 151st Street, Bixby, Oklahoma
Carolyn Back
6. Discussion and possible action on Ordinance Number 2368, Bixby Comprehensive Plan (BXCP-21.11), Amendment to the Comprehensive Plan for Neafus Property, Low-Density Residential to Neighborhood Commercial, to allow for (CG) Commercial General zoning in the of City of Bixby. Development contains 1.099 acres (more or less) in Section 11, Township 17N, Range 13E. General Location: 8050 East 131st Street South, Bixby, Oklahoma.
Carolyn Back
7. Discussion and possible action to declare an emergency regarding Ordinance Number 2368 making it effective immediately upon passage and approval.
Carolyn Back

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8. Discussion and possible action on Ordinance Number 2349, Bixby Comprehensive Plan – BXCP-21.04, Amendment to the Comprehensive Plan for Biggers Trust, Mixed-Use to Medium-Density Residential, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 120 acres (more or less) in Section 21, Township 17N, Range 13E. General Location: East 151st Street and South Yale Ave, Bixby, Oklahoma.

Carolyn Back

9. Discussion and possible action to declare an emergency regarding Ordinance Number 2349 making it effective immediately upon passage and approval.

Carolyn Back

10. Discussion and possible action on Ordinance Number 2350, Planning Design Group, Biggers Trust, Rezone (BXZO-21.14) and Planned Unit Development (BXPUD-21.05) . Appeal of Planning Commission decision. General location: East 151 Street South and South Yale Avenue, Bixby, Oklahoma.

Carolyn Back

11. Discussion and possible action to declare an emergency regarding Ordinance Number 2350 making it effective immediately upon passage and approval.

Carolyn Back

12. Request to approve Ordinance Number 2369, approving the Petition for Annexation filed by Posey Creek 151, LLC, for project known as, Marshall-Bara Acres, for a tract of land situated in S/2 S/2 NE/4 of, Section Seventeen (17), Township Seventeen (17) North, Range Thirteen (13) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government survey thereof. General Location: Northwest corner of East 151st Street South and South Harvard Avenue. Being more particularly described as follows in the Letter of Consent and Petition for Annexation request dated 09.16.2021 (attached).

Carolyn Back

13. Discussion and possible action to declare an emergency regarding Ordinance Number 2369 making it effective immediately upon passage and approval.

Carolyn Back

14. Discussion and possible action on Ordinance Number 2365, Bixby Comprehensive Plan (BXCP-21.12), Amendment to the Comprehensive Plan Land Use Map for 161st

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and Memorial, Low-Density Residential to Medium and Medium-High Density Residential and Commercial, to allow for (RS-3) Residential Single-Family zoning in the of City of Bixby. Development contains 122.18 acres (more or less) in Section 26, Township 17N, Range 13E. General Location: Southwest corner of East 161st Street South and South Memorial Drive, Bixby, Oklahoma.

Carolyn Back

15. Discussion and possible action to declare an emergency regarding Ordinance Number 2365 making it effective immediately upon passage and approval.

Carolyn Back

16. Discussion and possible action on Ordinance Number 2366, Tanner Consulting, LLC, 161st and Memorial, Rezone (BXZO-21.18) and Planned Unit Development (BXPUD-21.11). General Location: Southwest corner of East 161st Street South and South Memorial Drive, Bixby, Oklahoma.

Carolyn Back

17. Discussion and possible action to declare an emergency regarding Ordinance Number 2366 making it effective immediately upon passage and approval.

Carolyn Back

18. Discuss and/or take action on awarding contract to Grade Line Construction for the Needles Storm Sewer Phase II; Grade Line Construction submitted the lowest and best bid of \$251,184.00.

Justin Dowd

19. Discuss and/or approve Agreement with Holloway, Updike and Bellen, Inc. to design a new Booster Pump Station to serve the Bixhoma Water Storage Tank and surrounding area.

Justin Dowd

20. Discuss and/or approve Agreement with Meshek and Associates for Fire Hydrant and Valve Assessment Projects: contract is for an amount not to exceed \$578,700.

Bea Aamodt

21. City Manager's Report

Jared Cottle

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22. New Business

Mayor or Vice-Mayor

23. Adjournment

Mayor or Vice-Mayor

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of October 22, 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby Oklahoma.

Respectfully Submitted

Yvonne Adams
City Clerk

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Bixby Public Works Authority Meeting

**Board of Trustees
Municipal Building
116 W. Needles Ave., Bixby, OK 74008
October 22, 2021**

Time: 6:00 P.M. or immediately Following the City Council Meeting

Call to Order

Chairman

Roll Call

Secretary

Consent Agenda

Secretary's Report

Consider and approve:

- a. Minutes for Bixby Public Works Authority regular meeting 10/11/21.

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

Regular Agenda

1. New Business

Chairman

2. Adjournment

Chairman

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of October 22, 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Yvonne Adams

Secretary

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City of Bixby City Council Work Session Meeting Minutes

**Dawes Conference Room
113 W Dawes, Bixby, OK 74008
October 11th, 2021 5:00 P.M.**

The Special Work Session agenda for the regularly scheduled meeting of the City of Bixby was posted on the bulletin board at City Hall, 116 W. Needles Avenue, Bixby, Oklahoma on October 8th 2021 on or before 5:00 p.m.

Mayor Guthrie called the meeting to order at 5:00 p.m. City Clerk Yvonne Adams called the roll and all members were present except Councilor Founds.

Members Present

Guthrie
Blair
Girard
Crawford
Founds

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Serv. Dir.
Bryan Toney, Information Officer
Bea Aamodt, PW Director
Andy Choate, Police Chief
Joey Wiedel, Fire Chief
Yvonne Adams, City Clerk

Mayor Guthrie said item #1 on the Work Session agenda is:
Presentation of responses to the re-issued Midland Addition Request for Proposal.

Presented by: Jared Cottle

This item was brought before council to discuss the Midland Addition request for proposal with presentation from two representative from RDC Properties, LLC and Blue Bull Capital, LLC. Each representative gave council a preview of their proposal for the proposed development with a presentation. City Council has some questions for each representative for each of the proposal and was given clarification regarding the proposed project.

Discussion continued.
No action taken.

Adjournment was called at 5:56 p.m.

Mayor

Attest

City Clerk

City of Bixby City Council Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
October 11, 2021 6:00 P.M.**

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 October 8th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 6:04 pm.

City Clerk Yvonne Adams called the roll and all members were present.

Members Present

Guthrie
Blair
Girard
Crawford
Founds

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Carolyn Back, Dev. Services Dir.
Bea Aamodt, Public Works Dir.
Andy Choate, Police Chief
Yvonne Adams, City Clerk

Pledge of Allegiance

Invocation was given by Phil Frazier

Councilor Girard said Item #1 on the Consent Agenda is:

City Clerks Report

Consider and approve:

- a) Minutes for the Work Session meeting dated 09/27/21.
- b) Minutes of the City Council Regular meeting minutes dated 09/27/21.
- c) Public notice schedule for the Bixby Work Session meetings for calendar year 2022.
- d) Public notice schedule of the Bixby City Council meeting for calendar year 2022.

- e) Public notice schedule of the Bixby Industrial Authority meetings for calendar year 2022.
- f) Consider and/or approve purchase to EXACOM, Inc. (sole source) in the amount of \$16,191.20, to upgrade the department's existing recording system.

Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chambers.

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

Carried 5-0

Yes: Blair, Girard, Crawford, Guthrie.

No: None.

Mayor Guthrie said item #1 on the Regular Agenda is:

Consider and take action on amending ordinance No. 2364, to add a definition for sport utility vehicles and their use on public streets.

Presented by: Phil Frazier

This item was brought to council for consideration for amending Ordinance No. 2364 to add a definition for sport utility vehicles and their use on public streets.

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

Carried 5-0

Yes: Girard, Crawford, Founds, Blair, Guthrie

No: None.

Mayor Guthrie said on Item #2 on the Regular Agenda is:

Discussion and possible action to declare an emergency regarding Ordinance Number 2364 making it effective immediately upon passage and approval.

Presented by: Phil Frazier

This item was brought to council to declare an emergency effective immediately upon passage and approval.

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

Carried 5-0

Yes: Founds, Blair, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie said on Item #3 on the Regular Agenda is:

Discussion and possible action for JR Donelson, Garage Condos, Site Plan Application (BXSP-21.06), General location: South of the SW/c of E. 126th Street S. and S. Memorial Drive, Bixby, Oklahoma.

Presented by: Carolyn Back

This item was brought before council to take action on Garage Condos, Site Plan Application that is located South of the SW/c of E. 126th Street S. and S. Memorial Drive, Bixby, Oklahoma.

Discussion continued.

Mayor Guthrie asked for a motion on item #3. Councilor Crawford made motion approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 3-2

Yes: Crawford, Founds, Guthrie

No: Girard, Blair

Mayor Guthrie asked to recess the Regular Meeting and open up the BPWA Meeting at 6:30 p.m.

Mayor Guthrie asked to reconvene the Regular Meeting at 6:31 p.m.

Mayor Guthrie said on Item #4 on the Regular Agenda is:

Discuss and/or take action on the lowest & best bid for the lighting installation of the Bixby Charley Young Event Park for 2021 Winter Holiday Season.

Presented by: Bryan Toney

This item was brought to council for the lowest and best bid for the lighting installation of the Bixby Charley Young Event Park for 2021.

Mayor Guthrie asked for a motion on item #4. Vice Mayor Blair made motion to approve We Love Lawns in the amount of \$7,500, seconded by Councilor Founds. The vote was taken with the following results:

Carried 4-1

Yes: Blair, Founds, Crawford, Guthrie

No: Girard

Mayor Guthrie said on Item #5 on the Regular Agenda is:

Discuss and/or take action on the lowest & best bid for the lighting decoration of the Bixby City Hall Winter Holiday for 2021 Season.

Presented by: Bryan Toney

Others that spoke: Victoria Oltmann 14127 S Winston Ave

Discussion continued.

Mayor Guthrie asked for a motion to take items 5-9 all in one discussion. Councilor Girard made motion, seconded by Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Guthrie, Crawford, Founds, Blair.

No: None

Motion was made but failed for no second.

Motion to deny was failed for no second.

Mayor Guthrie said on Item #6 on the Regular Agenda is:

Discuss and/or take action on the lowest & best bid for purchase of Bixby Downtown Christmas Tree for 2021 Winter Holiday Season.

Presented by: Bryan Toney

No action taken.

Mayor Guthrie said on Item #7 on the Regular Agenda is:

Discuss and/or take action on the lowest & best bid for the Bixby Downtown Street Scape Decoration for 2021 Winter Holiday Season.

Presented by: Bryan Toney

Mayor Guthrie asked for a motion on item #7. Councilor Crawford made motion for half poles with 3 garlands, seconded by Councilor Girard. The vote was taken with the following results:

Carried 5-0

Yes: Crawford, Girard, Founds, Blair, Guthrie.

No: None.

Mayor Guthrie said on Item #8 on the Regular Agenda is:

Discuss and/or take action on the lowest & best bid for the lighting decoration of the Bixby Public Works Dawes Building Winter Holiday for 2021 Season.

Presented by: Bryan Toney

No action taken

Mayor Guthrie said on Item #9 on the Regular Agenda is:

Discuss and/or take action on authorizing Staff to receive bids and award the lowest & best bid for a Downtown skating rink in an amount not-to-exceed \$200,000 for the 2021 Season.

Presented by: Bryan Toney

Council amended the item for best bids for lease for a Downtown skating rink.

Mayor Guthrie asked for a motion to authorize staff to receive bids on lease of a downtown skating rink on item #9. Councilor Girard made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Yes: Girard, Founds, Crawford, Blair, Guthrie

No: None

Mayor Guthrie said on Item #10 on the Regular Agenda is:

Motion to enter into Executive Session:

- a) *Discussion on employment of new Police Chief. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1.*
- b) *Discussion on negotiations and/or purchase for certain real property at 7 E. Dawes along with 109, 116, and 118 N. Armstrong, owned by Bixby Public*

Schools: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.

Mayor Guthrie asked for a motion on item #10. Councilor Crawford made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Yes: Crawford, Founds, Girard, Blair, Guthrie

No: None.

Recess at 7:45 p.m.

Mayor Guthrie said on Item #11 on the Regular Agenda is:

Motion to exit Executive Session and reconvene in open session.

Presented by: Mayor Guthrie

No action taken.

Mayor Guthrie asked for a motion on item #11. Vice Mayor Blair made motion, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None

Reconvened at 9:48 p.m.

Mayor Guthrie said on Item #12 on the Regular Agenda is:

Consider and take any necessary action resulting from discussion on employment of a new Police Chief.

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #12. Vice Mayor Blair made motion to appoint Chief Todd Blish as the new police chief, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Girard, Founds, Guthrie

No: None

Mayor Guthrie said on Item #13 on the Regular Agenda is:

Consider and/or take action, if necessary, on the purchase of real estate at 7 E Dawes along with 109, 116, and 118 N. Armstrong, owned by Bixby Public Schools.

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #13. Mayor Guthrie made motion to instruct city staff to negotiate with the Bixby Public Schools, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Crawford, Girard, Founds, Blair

No: None

Mayor Guthrie said on Item #14 on the Regular Agenda is:

City Managers Report

- October 14th is fall break with Game Days on Friday the 15th starting at 5:00-7:00 p.m. sponsored by the Bixby Metro Chamber of Commerce.
- October 17th Sunday Bixby Church will have a grand opening at the Charley Young Event Park
- October 22 will be for Game Days at Charley Young Event Park starting at 5:00-7:00 p.m.
- October 24th will be Hallow (themed) Party at 4:00-11:00 p.m. sponsored by First Assembly of God.
- October 24th will be Fall Festival from 5:00-7:00 p.m. sponsored by Crossroads Fellowship Church.

Mayor Guthrie said on Item #15 on the Regular Agenda is:

New Business

There being none.

Adjournment was called at 9:50 p.m.

Mayor

Attest

City Clerk

CONSENT AGENDA

ITEM: Consider and approve purchase of 2 tons (80 bags cost per bag \$161.50) of Holman Homerun Ryegrass from Holman Seed Farms for an amount of \$12,920.00.

INITIATOR: John Wood

STAFF INFO: John Wood

BACKGROUND: Over seeding of baseball infields and softball aprons, and areas of Washington Irving Park. The Parks Dept. has been using Holman Homerun Ryegrass for the last four years, it protects the dormant Bermuda grass when baseball and softball starts play in early March and transitions out easier than most ryegrasses once the Bermuda grass breaks out of dormancy. The finer leaf blade and close mowing heights limit the slip factor that occurs with cool season grasses. At Washington Irving it will cover the bare areas under tree canopies where Bermuda grass will not grow due to heavy shade.

EXHIBITS: See attachments

KEY ISSUE: Sole Source Holman Homerun Ryegrass

COUNCIL ACTION: Approve/Deny

RECOMMENDATION: Approve

Consent Agenda

MEETING DATE 10/25/21



Holman Seed Farms

P.O. Box 27

14110 N. 129th E. Ave

Collinsville, OK 74021

Phone: (918)-371-2195

Fax: (918)-371-2199

Cell: (918)-577-8484

"We keep our quality high and our prices low

So our business and your crops will grow, Grow, GROW!!!"

Bid Sheet

To: City Of Bixby

From: Seth Herriman

Date: 10/12/2021

Total Pages- 1

Message-

City of Bixby,

Here is our quote for the products you have requested;

120 Bags of Homerun Ryegrass- \$19380.00

30 Bags of Homerun Ryegrass- \$12920.00

Thank you,

Seth Herriman

Sarah Herriman

This quote is valid for 30 days from the date shown above

THE CITY OF BIXBY, OKLAHOMA

RESOLUTION NO. 2021-25

A RESOLUTION CONCERNING CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS FOR NON-ENTITLEMENT UNITS OF GOVERNMENT (ARPA FUNDS), AUTHORIZING THE ACCEPTANCE OF THE FUNDS, THE APPROPRIATE BUDGET AMENDMENTS, AND THE EXECUTION OF ALL NECESSARY AGREEMENTS AND RELATED DOCUMENTS

WHEREAS, the City of Bixby has been designated as a recipient of Coronavirus Local Fiscal Recovery Funds for Non-Entitlement Units of Government (ARPA Funds), and has been designated as a recipient of the amount of \$4,880,568 (half in fiscal year 22 and half in fiscal year 23); and

WHEREAS, the City of Bixby will be required to budget said funds and to account for all expenditures in accordance with applicable federal guidelines.

WHEREAS, authorization for the execution of all necessary agreements and related documents will expedite the receipt and expenditures of funds.

WHEREAS, a budget amendment is necessary to properly account for the funds.

WHEREAS, approval of the documents associated with the funds is in the best interest of the citizens of the City of Bixby.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA THAT:

SECTION 1. The following budget amendment is approved:

SECTION 2. The City of Bixby approves acceptance of the ARPA funds and acknowledges all expenditures must be in accordance with all ARPA guidelines and compliance requirements:

SECTION 3. The City of Bixby authorizes the City Treasurer to sign all necessary budget attestations, award terms and conditions, assurances of compliance, reports and all other necessary agreements and related documents related to the award of funds.

ADOPTED and APPROVED by the Bixby City Council on this 25th day of October 2021.

Brian Guthrie, Mayor

ATTEST:

APPROVED:

City Clerk
(SEAL)

City Attorney

CITY OF BIXBY

BUDGET AMENDMENT FORM

Fund: ARPA FUNDS CAP IMP
 Amendment #: 22-2
 Fiscal Year: 2021/2022

Account #	Account Name	Estimated Revenue		Appropriations	
		Increase	Decrease	Increase	Decrease
85-4-4500	GRANT REVENUE	2,440,284.00			
85-5-10-6240	PROFESSIONAL SERVICES			500,000.00	
		2,440,284.00	0.00	500,000.00	0.00

EXPLANATION:

City of Bixby has been awarded Funds from the American Rescue Plan Act. Now, we will receive one half of our allocation for ARPA Funds in FY22. This budget amendment allows for the creation of a new fund titled "ARPA FUNDS CAP IMP" fund. This fund will be used to track the receipt of funds and expenditure of funds related to allowable expenses under the ARPA guidelines.

City Manager approval

City Council approval

Department Head approval

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on extending the time to award contract for the 2021 CIRP - South Asphalt Rehabilitation an additional fifteen days per the provisions in the contract documents.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: The bid opening for the 2021 CIRP – South Asphalt Rehabilitation project was August 31, 2021 at 2:00p. The contract documents for this project require a signed contract within 60 days of bid opening (i.e. October 30, 2021). Since closeout for the 2019 CIRP – South Asphalt Rehabilitation project is still in process, Staff is recommending an extension of 15 days to the 60 day requirement, per the provisions in the contract document for a total of 75 days from bid opening (i.e. November 14, 2021).

EXHIBITS: None

KEY ISSUE: Extend Contract Award Deadline

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on extending the time to award contract for the 2021 CIRP - North Asphalt Rehabilitation an additional fifteen days per the provisions in the contract documents.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: The bid opening for the 2021 CIRP – North Asphalt Rehabilitation project was August 31, 2021 at 2:00p. The contract documents for this project require a signed contract within 60 days of bid opening (i.e. October 30, 2021). Since closeout for the 2019 CIRP – South Asphalt Rehabilitation project is still in process, Staff is recommending an extension of 15 days to the 60 day requirement, per the provisions in the contract document for a total of 75 days from bid opening (i.e. November 14, 2021).

EXHIBITS: None

KEY ISSUE: Extend Contract Award Deadline

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

Consent Agenda Item Commentary

Item Title

Discuss and/or take action on request for Tier One (1) event status by Bixby Optimist Club for the Annual Fall Festival at Washington Irving Park on October 30th, 2021.

Initiator

Curtis Evans, Bixby Optimist Club

Staff Information Source

Bryan Toney

Background

The Washington Irving Fall Festival has been a Free Public yearly event sponsored the Bixby Chamber of Commerce in previous years. The Bixby Optimist Club requested to take over sponsorship of the event starting this year. In previous years, the Chamber was granted Tier One (1) Event Status. The Bixby Optimist Club are going to add this as an annual community event. The event will continue to be open to the general public. The club expressed they are excited about hosting this event and plan for it to become one of two community events they will try to have annually.

Exhibits

Letterhead requesting Tier One (1) Event Status from Applicant

Key Issue

Granting of Tier 1 Status includes, but not limited to the following:

- Waivers of Fee for Washington Irving Park Rental \$750 Fee
- Waivers of Fee for Washington Irving Park Deposit \$500 Fee

Council Action

Approve or Deny Tier 1 Status

Recommendation

Approval.

Item No: _____

Meeting Date

October 25th, 2021

Meeting

City Council Regular Meeting



Optimist Club of Bixby

P. O. Box 335
Bixby, Oklahoma 74008

October 20, 2021

To: Bixby City Council

We have taken over the annual Washington Irving Festival previously hosted by the Bixby Metro Chamber. This is a tier 1 community event, similar to our Green Corn Festival in June. We are going to add this as an annual community event. It is open to the general public. The club is excited about hosting this event and it will become one of two community events we will try to have annually.

We will still be having the Green Corn Festival in June of each year including this year. We look forward to working with and in cooperation with the city on both of these events. Both are free to and for the public to attend. These are family friendly activities for the whole family.

We appreciate the city and their cooperation and approval of these events. Please let us know.

**Sincerely,
Curtis**

**Curtis Evans
President of the Bixby Optimist Club
918-230-9848
Curtisevans@olp.net**

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Accept the infrastructure at Goodwill Store Development, located at 136th St and Memorial Drive, into the City's infrastructure

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: The Goodwill Store is located on Memorial south at 136th Street. The infrastructure has been completed. The punch list items have been addressed.

Owner: The Goodwill Store

Final Inspection- 09/15/2021

Public infrastructure:

- Storm Sewer distribution –
 - 1. 28 LF 15" RCP

EXHIBITS: None

KEY ISSUE: City Infrastructure

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Accept the infrastructure at The Learning Experience Development, located at 126th St South and Memorial, into the City's infrastructure

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: The Learning Experience is located on Memorial at 126th St South. The infrastructure has been completed. The punch list items have been addressed.

Owner: The Learning Experience

Final Inspection- 09/15/2021

Public infrastructure:

Storm Sewer distribution –

1. 35 LF 15" RCP

Public Trail System –

2. 960 SF (96ft x 10ft) concrete trail, located on the E side of property.
3. 320 SF of 4' sidewalk, located on the N side of property.

EXHIBITS: None

KEY ISSUE: City Infrastructure

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve final acceptance of the 151st & Mingo Storm Sewer Project with a final contract amount of \$457,643.51.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Stronghand completed the project on time and has addressed all punch list items.

The original contract amount was \$436,260.72.

EXHIBITS: Final Pay Request

KEY ISSUE: City Project acceptance and release of retainage

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10/25/2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Accept the infrastructure at Medwise Urgent Care, located at 148th St and Memorial Drive, into the City's infrastructure

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: The Medwise Urgent Care is located on Memorial south at 148th Street. The infrastructure has been completed. The punch list items have been addressed.

Owner: 2Z Development LLC

Location – 148th & Memorial

Final Inspection- 10/05/21

Public infrastructure:

Storm Sewer –

1. Connection of Private Storm to Public

EXHIBITS: None

KEY ISSUE: City Infrastructure

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021
MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Accept the infrastructure at Tulsa County Library Development, located at South B Ave and Breckinridge, into the City's infrastructure

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: The Tulsa County Library is located on Breckinridge at South B Ave. The infrastructure has been completed. The punch list items have been addressed.

Owner: Tulsa County Library

Final Inspection- 09/15/2021

Public infrastructure:

Storm Sewer distribution –
1. 16 LF 15" RCP

EXHIBITS: None

KEY ISSUE: City Infrastructure

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Accept the infrastructure at Bridge Church Development, located at 121st St and Memorial Drive, into the City's infrastructure

INITIATOR:

Bea Aamodt

STAFF INFORMATION SOURCE:

Jon Brown

BACKGROUND: Bridge Church is located on Memorial south at 121st Street. The infrastructure has been completed. The punch list items have been addressed.

Owner: The Bridge Church

Final Inspection- 09/15/2021

Public infrastructure:

Water distribution –

1. 215 LF 6" C900 PVC

EXHIBITS: None

KEY ISSUE: City Infrastructure

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve purchase of a Skid Steer for the Street Department from White Star at a cost of \$ 47,405.38 after trade-in and declare T300 Bobcat Skid Steer as Surplus for trade-in.

INITIATOR:

Bea Aamodt

STAFF INFORMATION SOURCE:

Jon Brown

BACKGROUND: The street department's skid steer is the primary piece of equipment to perform tasks like drainage facilities clean up and grading, debris management, street repairs. It is also used during winter event maintenance for road clearing, salt and sand loading, and sand sweeping. The current skid steer needs a new track frame due to corrosion at a cost of over \$20,000. This in addition to other costs already incurred in repairs. Staff recommends that a new Skid Steer is purchased.

White Star is offering a trade-in value of \$18,000 for the T300 Skid Steer. The T300 must be declared as surplus for trade-in.

Council approved the purchase of a dump truck in FY22. However, a skid steer is more beneficial to the department and Staff recommends that a new skid steer is purchased instead.

The costs presented are at State Bid prices.

EXHIBITS: Quote

KEY ISSUE: Equipment

COUNCIL ACTION: Approve purchase order.

RECOMMENDATION: Approve purchase order.

ITEM NO: _____

MEETING DATE: 10-25-21

MEETING: Council

Consent Agenda Item Commentary

Item Title

Discuss and/or take action to recommend or declare a date for celebration of Halloween Trick-or-Treating by City of Bixby for the 2021 year.

Initiator

Bryan Toney

Staff Information Source

Bryan Toney

Background

In an effort to provide clarity for the Citizens of Bixby, staff recommends the declaration or a recommendation made by Council for specific date for celebration of Trick-or-Treating door to door as apart of celebrating Halloween within the City of Bixby Limits. Halloween is on Sunday and school is in session on the following day Monday, November 1st.

Council Action

Declaration, Issue a Recommendation or Take No Action

Recommendation

Make a Resolution

Item No: _____

Meeting Date

October 25th, 2021

Meeting

City Council Regular Meeting



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF COMMENTARY

To: City of Bixby, City Council
From: Carolyn Back, Development Services Director/City Planner
Date: Monday, October 25, 2021

RE: BXSP-21.04 – Specific Use Permit for First Baptist Church
BXPT-21.14 – Preliminary Plat for First Baptist Church
BXPT-21.14 Final Plat for First Baptist Church
11.92 Acres (+/-) Commercial Plat

History: 3.02.2010 **Preliminary Plat**
City Council approved (expired due to lack of forward progress)
10.04.2021 **Variance** (BXBA-21.07) Portable Structures
Board of Adjustment approved
10.18.2021 **Specific Use Permit** (BXSUP-21.04)
Planning Commission recommended approval
10.18.2021 **Preliminary Plat** (BXPT-21.14)
Planning Commission recommended approval
10.18.2021 **Final Plat** (BXPT-21.14)
Planning Commission recommended approval

Location: 6020 East 151st Street
STR: Section 22, Township 17N, Range 13E
Applicant: JR Donelson, Inc., JR Donelson

STAFF REVIEW

The applicant has requested a Specific Use Permit (SUP) for their Church (Use Unit - 5) in an (AG) Agriculture District. A UU5 is an allowed use in AG with an SUP.

Project Overview per Plat:

# of Acres	11.92 (+/-)	Min Lot Width	N/A
# of Lots	1	Min Lot Size	N/A
# of Blocks	1	Avg Dwelling Units	N/A
# of Phases	3	# of Reserve Areas	N/A

BACKGROUND:

The Board of Adjustment approved temporary portable structures with the following conditions:

- Two-year time limit, with an option for a one-year time extension.
- Portable structures allowed to connect to an ODEQ approved septic system and must be decommissioned before issuance of Certificate of Occupancy
- Future sanitary sewer connection required for all permanent structure(s) prior to Certificate of Occupancy issuance.

Utilities/Site Area:

The First Baptist Church site will be served by City of Bixby: Water, Sanitary Sewer, and Storm Sewer. All franchise utility providers were notified through a Technical Advisory Committee meeting.

STAFF COMMENTS:

Staff worked closely with the applicant to implement several modifications to the site plan, Preliminary Plat, and Final Plat documents.

1. Staff recommends approval of the First Baptist Church Specific Use Permit
2. Staff recommends approval of the First Baptist Church Preliminary and Final Plat

ATTACHMENTS:

Attachment 1: Planning Commission Staff Report dated 10.18.2021

Attachment 2: Preliminary Plat 09.29.2021

Attachment 3: Final Plat with Covenants 09.29.2021



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF REPORT

To: City of Bixby, Planning Commission
From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner
Date: Monday, October 18, 2021
Name: First Baptist Church – 151st Site
RE: BXSUP-21.04 Specific Use Permit and BXPT-21.14 – Preliminary and Final Plat
11.92 Acres (+/-); 1 Lot, 1 Block Commercial Plat
Location: 6020 E. 151ST Street
STR: Section 22, Township 17N, Range 13E
Applicant: JR Donelson, Inc., JR Donelson

Staff Review

Request:

The applicant is requesting a Specific Use Permit, required for a Church use in an AG District, and Preliminary and Final Plat approval.

Existing Zoning; Use:

Agriculture (AG); Agriculture

Abutting Zoning; Use:

North: (AG) Agriculture; Single-Family Residence
(CG) Commercial General; Vacant and E. 151st Street S
East: (AG) Agriculture; City Cemetery
South: (AG) Agriculture; Vacant
West: (AG) Agriculture; Single-Family Residences

Project Overview per Plat:

# of Acres	11.92 (+/-)	Min Lot Width	N/A
# of Lots	1	Min Lot Size	N/A
# of Blocks	1	Avg Dwelling Units	N/A
# of Phases	Three (3) Phases		

Utilities/Site Area:

The commercial development will be served by City of Bixby Water.

The temporary portable structures received Board of Adjustment (BOA) approval on October 4, 2021, to be on-site during construction with a condition of two-years with an option for a one (1) year time extension.

Another condition of approval was allowing the portable structures to connect to an ODEQ approved septic system. This septic system must be decommissioned before issuance of Certificate of Occupancy

Future sanitary sewer connection required for permanent structure(s) prior to Certificate of Occupancy issuance.

All franchise utility providers were notified through a Technical Advisory Committee meeting.

**STAFF COMMENTS:**

1. Staff recommends applicant remove final plat stamp from Preliminary Plat before moving case to City Council.
2. Staff supports Planning Commission recommendation of approval for the Specific Use Permit and Preliminary and Final Plat.

ATTACHMENTS:

Attachment 1: Site Plan for New Building 10.05.2021

Attachment 2: Temporary Modular Plan for Portables and Septic System locations 08.26.2021

Attachment 3: Preliminary Plat 09.29.2021

Attachment 4: Final Plat 09.29.2021

Carolyn Back

From: Mike Butler
Sent: Wednesday, October 6, 2021 3:58 PM
To: Carolyn Back; Justin Dowd
Subject: RE: Temp Buildings Site Plan

First Baptist Preliminary Platt

"First Baptist Church site plan located at 6020 E 151st St" is approved by this office with the following caveats.

- Hydrants shall be installed no further than 600 feet.
- Hydrants shall be installed per City Of Bixby standards and operational prior to construction.
- Per the 2015 International Fire Code (IFC) Section 503.1.1, 503.2.1, 503.2.3 and appendix D.
 - Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).
 - Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).
- Fire Lanes
 - Detailed plans showing the location of fire lanes required to be submitted for approval before build out. Fire department access roads and fire lanes must be provided as well as maintained in accordance with NFPA 1 chapter 18.2.





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I.O.W.	ROAD RICH
TEMP	TEMPERATURE

Site plan for Board of Adjustment
Temporary approval of Special
Exception for portable structures
During construction.

1. Please cost out of asphalt for the parking lot. The parking will be along where shown. A final 1" capcut overlay will be installed when the church building is constructed.
2. The septic tank and lateral lines will be temporary, until the permanent church building is constructed.
3. The entrance to the site has been constructed per the approved ODOT requirements.
4. The storm sewer and detention facility have been constructed.
5. The sanitary sewer and water has been permitted thru ODOT.



Charles F. Howard 9/29/21

FIRST BAPTIST CHURCH
CITY OF BIXBY, OK.

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CONFIDENTIAL

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588.53' 37"W

FIRST BAPTIST CHURCH BUNDY
September 29, 2021
S-S-57 1 OF 2

Summary

ORDINANCE No. 2367

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; A PROPOSED AMENDMENT FOR A SUPPLEMENTAL ZONING SPECIFIC USE PERMIT DISTRICT OF THE CITY OF BIXBY, OKLAHOMA, (SUP) SPECIFIC USE PERMIT (BXSUP-21.04 FIRST BAPTIST CHURCH), FOR THE PURPOSE OF ALLOWING A CHURCH USE (USE UNIT 5) IN AN AGRICULTURE (AG) DISTRICT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That Ordinance No. 272 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

Location: 6020 East 151st Street

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 _____ day of _____, 2021.

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 _____ day of _____, 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)

ATTEST:

City Clerk

APPROVED:

City Attorney



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, City Council
From: Carolyn Back, Development Services Director/City Planner
Date: Monday, October 25, 2021
RE: Comprehensive Plan - 2030 Future Land Use Map Amendment to allow CG zoning and density
Location: 8050 East 131st Street South
Acres: 1.099 acres
STR: 11-17N-13E
Applicant: Bell Land Use, LLC, LLC

Request:
Comprehensive Plan Amendment from Low Density Residential to Commercial.

Existing Zoning; Use:
Single-Family Residential (RS-1); Single-Family residence

Abutting Zoning; Use:
North: Residential Single-Family (RS-1); Single-Family Residence
East: Commercial General (CG); Financial Institution and C-Store with fuel
South: Agriculture (AG); Vacant
West: Residential Single-Family (RS-1); Single-Family Residence

Proposed Zoning; Use:
Commercial General (CG); not disclosed



Figure 1: City of Bixby Zoning Map

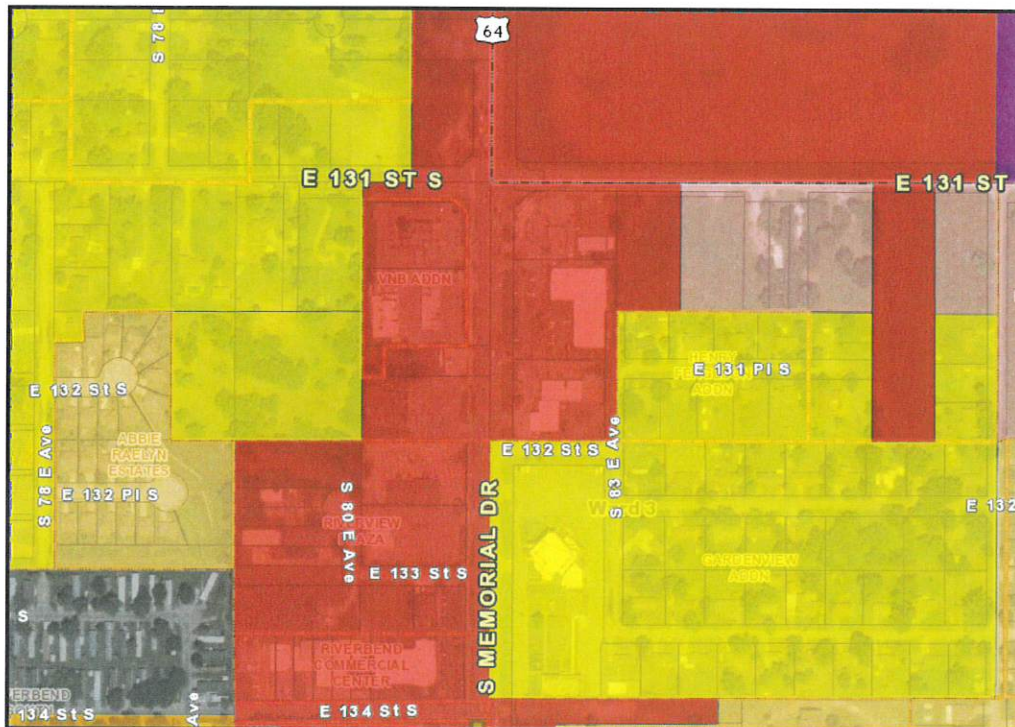


Figure 2: City of Bixby Future Land Use Map

Staff Review

The applicant is requesting a Comprehensive Plan, 2030 Future Land Use Map amendment (BXCP 21.11) that is consistent with commercial property to the east and should blend with a commercial development trend for that area.

This property is within the Corridor Appearance District and will be held to those standards for future commercial development.

Corridor Appearance District

11-7G-1: PURPOSES:

There is hereby created a corridor appearance district along Memorial Drive from 101st to 171st Street South, as hereinafter defined, for the purpose of extending appearance review standards and guidelines to achieve aesthetically pleasing and environmentally sensitive development areas through alternative compliance methods, including landscaping, building material selection, structural design and color scheme provisions, sound reduction methods, improved air quality, and to provide attractive sites for nonresidential, commercial development, and industrial development to the benefit of the city's visitors and residents

11-7G-2: LOCATION:

An area six hundred feet (600') in width along and parallel to Memorial from 101st to 171st South, [pertaining to this property].

11-7G-5: DEVELOPMENT MINIMUM STANDARDS:

A. All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof.

B. The property owner may appeal the interpretation of the masonry standard to a specific building project or may request, in writing and with showing of sufficient good cause, that the city council reduce or waive the requirement altogether.

C. The city planner may refer a proposed structure to the city council for approval if determined to be of exceptional character, iconic, or potentially offensive.

Public Comments:

No comments received.

Staff Comments:

1. Staff recommends approval of the requested Comprehensive Plan Future Land Use Map Amendment from Low Density Residential to Commercial.

Figures:

Figure 1: City of Bixby Zoning Map

Figure 2: City of Bixby Future Land Use Map

Attachments:

Exhibit A: Property Legal Description

Exhibit B: Request for Comp Plan Amendment letter dated 08.16.2021

Exhibit C: Letters to Neighbors dated 07.12.2021



Land Use

Robert Bell

918-902-0462

1011 W^oG Street

Lenks, OK 74037

August 16, 2021

City of Bixby
116 W Needles
P.O. Box 70
Bixby, Oklahoma 74008

RE: Request for an Amendment to the Comprehensive Plan Map related to property identified as the E/2 of the NW/4, NE/4, NE/4, NE/4 Less the North 40 feet for Road Located in Section 11, T17N, R13E of the Indian Base and Meridian and generally known as: 8050 E 131st Street South.

City of Bixby Planning Commission:
City Council, Bixby Oklahoma:

This correspondence is an attachment to the Comprehensive Plan Application that is an official request of Jimmy Neafus, the owner of the above-described property to amend the Comprehensive Plan Map designation of the property identified from a Low-Density Designation to a Neighborhood Commercial Designation.

There are various factors that affect these areas that would warrant consideration for the requested change. A more in-depth discussion follows.

The Bixby Comprehensive Plan prior to 2018 also had this area designated Single Family Residential, however it had also identified it as being within a Memorial Street Corridor. The previous Plan did recognize the impacts of the State Highway and I believe that forwarded some credibility to the future use of the property. The Plan adopted in 2018 removed the corridor and left the Single-Family Residential Designation. Recognizing the properties proximity to Highway 67 and the Memorial Street Corridor is critical.

This request is specifically only addressing the property owned by Jimmy Neafus. It is clear that all properties abutting South 79 East Avenue would have similar impacts and would benefit from the requested change. The total area would be within the concept of a 5-acre commercial node on the intersections of Arterial Roadways as was originally established by Incog when originally addressing Zoning for the Tulsa Metro. It is also noted that the property is within the distance for State requirements associated with right of way taking for State Highways to be paid Commercial values. Since the State of Oklahoma owns the right of way at this location along 131st Street it would be easily verifiable that they recognize the commercial value through the

taking process. We sent documentation of our request to the abutting properties prior to submitting to the City, (one letter was returned undeliverable and we heard no response from the other).

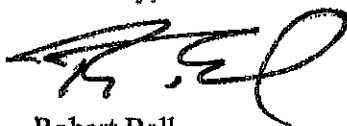
The Bixby Comprehensive Plan Designates the property to the east as Commercial allowing for a CG (General Commercial) or OM (Medium Office) Zoning. The Commercial Designation also extends to the west to incorporate north boundary of the 2.5-acre tract north of the Neafus property. This creates a pocket of Low Density Residential that is bordered on two sides by Commercial Designations and an Arterial Roadway at the intersection of a State Highway. The requested Neighborhood Commercial Designation would allow for a transition of property use that would serve the owners of the area properties and allow for development of highest and best use of property.

The current owners of the subject tract have come to the realization that the property cannot be developed for Single Family Residential use as currently designated by the Comprehensive Plan. The impacts to the property from the adjacent commercial uses and more so the negative impact of being so close to Memorial (Highway 67) and the 131st intersection renders the property not suitable for residential use. The Neighborhood Commercial Designation and development of the tracts consistent with the Planning Practices of the 21st Century will allow the proper transition of uses and create value for all properties.

The Assessor values the current structure on the property at \$45,000. This structure has obviously outlived its usefulness and should be razed. It is unlikely that anyone at today's costs would build a new house at this location. The value is not sustainable for the cost of new housing at this location. To remodel the existing structure would be throwing money away because it would not raise the value of the property with the dollars spent. Without recognizing the area development and consideration of the requested designation the regulations could be creating a blight that it is designed to prevent.

It is requested that the Bixby Comprehensive Plan Map be amended to reflect these changes and the designations as identified.

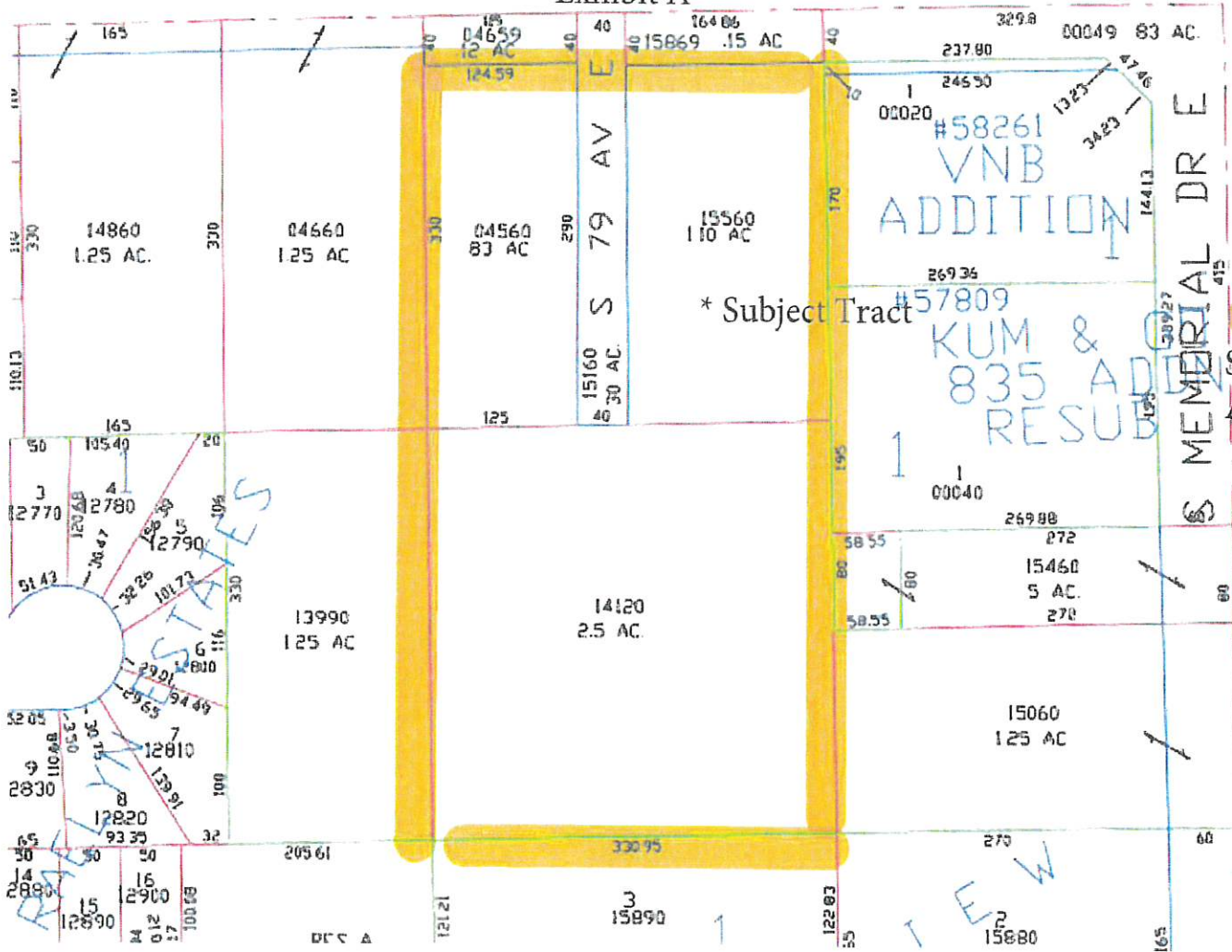
Sincerely,



Robert Bell
Bell Land Use LLC

Attachments: Exhibit A – Area Map
Exhibit B – Area Comp Plan Map
Exhibit C – Comp Plan Legend

Exhibit A



DP64-01 LRMIS TULSA COUNTY - LRMIS COMBINED DISPLAY

08/16/21

DP64M01

SUB 97311 ACCOUNT 73 11 15560

TAX ROLL ITEM # 20 01 2527130

NEAFUS, JIMMY WAYNE

E/2 NW NE NE NE LESS N40 FOR RD S

EC 11 17 13 1.099ACS

6715 S 250TH E AVE

UNPLATTED

BROKEN ARROW, OK 74014

8050 E 131 ST S

-- ASSESSOR INFORMATION --

REG.HOMESTEAD NEIGHBORHOOD.. 9204 SCHOOL DIST.. BI-4A

DBL.HOMESTEAD INSTRUMENT... 2000295376 DEED Book/Page. 5437 1525

(CURRENT) LAND-----IMPR-----TOTAL (OLD) ---LAND-----IMPR---

APR 13,300 45,000 58,300 13,300 45,000

ASD 1,463 4,950 6,413 1,463 4,950

-- TREASURER INFORMATION --

ASSESSED 6,413

EXEMPTION - 0

NET ASSESSED = 6,413

TAX RATE X 132.16

TAX AMOUNT = 848.00

RTN CHK PENALTY+ .00

TAX BALANCE 0.00

DELINQUENT TAX 0.00

PF1/Main Menu PF2/Locator Scrn PF3/Prev PF5/Phys Desc PF8/Browse Subdiv

ENTER	ESC	F1	F2	F3	F4	F5	F8	Prt Scr
164ms	31ms	13ms	0ms	0ms	133ms	813		



Land Use

Robert Bell

918-902-0462

July 12, 2021

Connie B Whitworth
23277 Oakview Drive
Spring Hill KS 66083

RE: Bixby Comprehensive Plan Designation for Property Identified as 7980 E 131st Street South.

Dear Ms. Whitworth:

My name is Robert Bell, and I am the owner of Bell Land Use LLC. I have been a Land Planner for over 30 years and was the Planning Director for the City of Jenks Oklahoma for 18 years before opening my consulting firm 3 years ago.

I am writing you because I was hired by Jim and Nanette Neafus to explore the possibility to have the City of Bixby designate their property, adjacent to yours to the north, for Commercial on the Bixby Comprehensive Plan.

I also think you are in the same situation as the Neafus'. They have come to the realization that the property cannot be developed for Single Family Residential use as currently designated by the Comprehensive Plan. The impacts to the property from the adjacent commercial uses and more so the negative impact of being so close to Memorial (Highway 67) and the 131st intersection renders the property not suitable for residential use.

Their current situation is that the house needs to be razed. However, no one is willing to build a new house at this location. The value is not sustainable for the cost of new housing at this location. To remodel the existing structure would be throwing money away because it would not raise the value of the property with the dollars spent.

We believe the highest and best use of the properties that have access from South 79 East Avenue is a commercial use. This might be retail or service on the frontage of 131st but more likely office as you move away from the Arterial Roadway. The commercial designation adds the value back to the property because it provides for uses that fit with existing development associated with an intersection of a State Highway and an Arterial Road.

The City is tasked by the State Statutes to designate how property should develop by the adoption of a Comprehensive Plan. This is an action that does not require your input. This is their determination of highest and best use of property. They cannot change the zoning of a property without your consent or application. So, if the Comprehensive Plan changes you still

have all the rights that the current zoning of the property allows. The difference is that future development or zoning of the property would allow for an application that supports the new Comprehensive Plan designation. In this situation the commercial designation would allow the flexibility to apply for a use that is actually viable instead of the Single Family Residential that gets no traction because of the impacts of traffic and commercial uses.

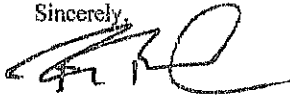
The Bixby Comprehensive Plan prior to 2018 had this area designated Single Family Residential, however it had also identified it as being within a Memorial Corridor. The previous Plan did recognize the impacts of the State Highway and I believe that forwarded some credibility to the future use of the property. The Plan adopted in 2018 removed the corridor and left the Single-Family Residential designation which I believe was a negative action for these properties.

We are not looking for money! Jim and Nanette Neafus are taking care of my services and any application cost. What we are looking for is support for this request, and we would like to inform the city that you also want the Plan Designation of your property changed to Commercial.

I have tried to be thorough in my explanation, but I am sure you have questions. I would be happy to discuss this further with you and can be reached at 918-902-0462. Feel free to call and leave a message or text me at that number. If you are supportive of this change, I would ask that you send me an email at lanaplanner1@acox.net so I can forward your support to the City Officials.

Thank you for taking the time to read this letter and your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Bell', written over a horizontal line.

Robert Bell
Bell Land Use LLC



Land Use

Robert Bell

918-902-0462

July 12, 2021

Matthew and Tia Smith
7840 E 131st Street
Bixby OK 74008

RE: Bixby Comprehensive Plan Designation for Property Identified as 7840 E 131st Street South.

Dear Mr. and Mrs. Smith:

My name is Robert Bell, and I am the owner of Bell Land Use LLC. I have been a Land Planner for over 30 years and was the Planning Director for the City of Jenks Oklahoma for 18 years before opening my consulting firm 3 years ago.

I am writing you because I was hired by Jim and Nanette Neafus to explore the possibility to have the City of Bixby designate their property, adjacent to yours to the east, for Commercial on the Bixby Comprehensive Plan.

I also think you are in a similar situation as the Neafus', though I recognize that you have maintained your property and have a substantial investment to protect. The Neafus's have come to the realization that their property cannot be developed for Single Family Residential use as currently designated by the Comprehensive Plan. The impacts to the property from the adjacent commercial uses and more so the negative impacts of being so close to Memorial (Highway 67) and the 131st intersection renders the property undesirable for residential use under current costs of housing.

Their current situation is that the their house needs to be razed. However, no one is willing to build a new house at this location. The value is not sustainable for the cost of new housing. To remodel the existing structure would be throwing money away because it would not raise the value of the property with the dollars spent.

We believe the highest and best use of the properties that have access from South 79 East Avenue is a commercial use. This might be retail or service on the frontage of 131st but more likely office as you move away from the Arterial Roadway. The commercial designation adds the value back to the property because it provides for uses that fit with existing development associated with an intersection of a State Highway and an Arterial Road.

The City is tasked by the State Statutes to designate how property should develop by the adoption of a Comprehensive Plan. This is an action that does not require your input. This is

their determination of highest and best use of property. They cannot change the zoning of a property without your consent or application. So, if the Comprehensive Plan changes you still have all the rights that the current zoning of the property allows. The difference is that future development or zoning of the property would allow for an application that supports the new Comprehensive Plan designation. In this situation the commercial designation would allow the flexibility to apply for a use that is actually viable instead of the Single Family Residential that gets no traction because of the impacts of traffic and commercial uses. I am sure you are already aware of the noise factors associated with Memorial and 131st.

What this means is that you can continue to use the property under the current Residential Zoning and nothing changes. If you ever decide to sell the property it does give you the flexibility to market the property for the current zoning or the potential for commercial use.

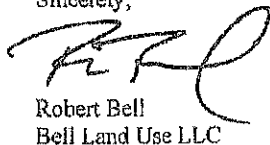
The Bixby Comprehensive Plan prior to 2018 had this area designated Single Family Residential, however it had also identified it as being within a Memorial Corridor. The previous Plan did recognize the impacts of the State Highway and I believe that forwarded some credibility to the future use of the property. The Plan adopted in 2018 removed the corridor and left the Single-Family Residential designation which I believe was a negative action for these properties.

We are not looking for money! Jim and Nanette Neafus are taking care of my services and any application cost. What we are looking for is support for this request, and we would like to inform the city that you also want the Plan Designation of your property changed to Commercial.

I have tried to be thorough in my explanation, but I am sure you have questions. I would be happy to discuss this further with you and can be reached at 918-902-0462. Feel free to call and leave a message or text me at that number. If you are supportive of this change, I would ask that you send me an email at Jbixplaner1@acox.net so I can forward your support to the City Officials.

Thank you for taking the time to read this letter and your response.

Sincerely,



Robert Bell
Bell Land Use LLC

ORDINANCE NO. 2349

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR BIGGERS TRUST, CONTAINING 120 ACRES, MORE OR LESS, IN SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "MIXED-USE" DESIGNATION AND AMENDING TO "COMMERCIAL" AND "MEDIUM-DENSITY RESIDENTIAL", (BXCP-21.04); 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:

Section 1. That Ordinance No. 2267 and the Future Land Use Map in the 2018 Comprehensive Plan be and the same is now amended for the following described real property, to-wit:

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N

00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, be and the same is now redesignated from "Mixed-Use," to "Commercial" and "Medium-Density Residential."

Section 3. 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 4. 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 ____ day of ____ 2021.

Brian Guthrie
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 ____ day of _____ 2021.

Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

Yvonne Adams
City Clerk

APPROVED:

Phil Frazier
City Attorney

ORDINANCE No. 2350

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CS (COMMERCIAL SHOPPING) AND RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.14) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.05); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That Ordinance No. 272 be and the same is now amended and the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, BXZO-21.14 and BXPUD-21.05, be and the same is now rezoned from AG (Agriculture) to a CS (Commercial Shopping) and RS-3 (Residential Single-Family) classification.

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 _____ day of _____, 2021.

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 _____ day of _____, 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

EXHIBIT A

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N 00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.

ORDINANCE NO. 2368

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR NEAFUS PROPERTY, CONTAINING 1.099 ACRES, MORE OR LESS, IN SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "LOW DENSITY RESIDENTIAL" DESIGNATION AND AMENDING TO "COMMERCIAL" DESIGNATION, (BXCP-21.11); 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:

Section 1. That Ordinance No. 2267 and the Future Land Use Map in the 2018 Comprehensive Plan be and the same is now amended for the following described real property, to-wit:

E/2 OF THE NW/4 NE/4 NE/4 NE/4 LESS THE NORTH 40 FEET FOR ROAD, SECTION ELEVEN (11), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF CONTAINING 1.099 ACRES, MORE OR LESS.

Located at the west of the southwest corner of East 131st Street South and South Memorial Drive, Bixby, Oklahoma, be and the same is now redesignated from "Single-Family Residential," to "Commercial".

Section 3. 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 4. 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 ____ day of ____ 2021.

Brian Guthrie
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 ____ day of ____ 2021.

Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

Yvonne Adams
City Clerk

APPROVED:

Phil Frazier
City Attorney



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Commentary

October 25, 2021

Request:

Biggers Trust

Located: East 151st Street South and South Yale Avenue, Bixby, Oklahoma

- BXCP-21.04 Comprehensive Plan Amendment from Mixed-Use to Commercial and Medium Density Residential to allow for RS-3 zoning
- BXZO-21.14 Rezone from Agriculture (AG) to Commercial Shopping (CS) and Residential Single-Family (RS-3)
- BXPUD-21.05 Planned Unit Development (PUD) supplemental zoning for requested rezone to Commercial Shopping (CS) and Residential Single-Family (RS-3).

Presenter:

Carolyn Back, Development Services Director / City Planner

Staff Information Source:

Updated PUD-21.05 - Applicant Exhibit with highlighted modifications in yellow and a Modification Summary email

Background:

Heard by Planning Commission on 07.19.21.

Zero (0) citizens spoke for/against.

- **07.19.21 – Planning Commission denied. 3-2-0 Vote**
- **07.20.21 – PDG appealed the Planning Commission decision**
- **07.26.21 – City Council heard the case. Applicant requested a continuance**
- **08.23.21 – Applicant requested continuance needing more time to prepare**
- **09.27.21 – Applicant and client met with Staff to discuss project**

Project Overview (Residential):

# of Acres	Unplatted: 120 Acres (+/-)	Min Lot Width	55* feet and 60 feet
# of Lots	380 (allowable)	* Maximum of 50% at 55 feet	
# of Blocks	TBD	Min Lot Area	6325 SF
# of Phases	TBD	Min Land Area per DU	8400 SF
# of Reserve Areas	TBD at platting	Min Home SF	1500 SF

Proposed Amenities:

Pete Kourtis with Owasso Land Trust is well-known for designing a nice amenity package for their developments. A nice masonry entry feature and sign are proposed for all entrances into the subdivision.

This expansive 31.64 acre proposed amenity package consists of multiple ponds with a creek flowing throughout the area. One wet pond will be designed for fishing and other light recreational uses and will also serve as a detention pond. A swimming pool and playground area, along with walking and biking trail system will be the central core of the amenity package. There will be general open play areas dispersed along the trail system, next to the pool and playground area.

Project Overview (Commercial):

# of Acres	Unplatted: 14.5 Acres (+/-)	Min Lot Width	TBD
# of Lots	CG District, as required	Min Lot Area	TBD
# of Blocks	TBD	Min Land Area per DU	TBD
# of Phases	TBD	# of Reserve Areas	TBD at platting

**Staff Recommendation:**

Staff worked closely with the applicant for modifications to the PUD that have been implemented.

Staff recommends approval of the Biggers Trust:

- Comprehensive Plan Future Land Use Map Amendment (BXCP-21.04)
- Rezone (BXZO-21.14)
- Planned Unit Development (BXPUD-21.05)

Attachments:

Exhibit A: Planning Commission Staff Report dated 07.19.2021

Exhibit B: PDG appeal letter dated 07.20.21

Exhibit C: PUD-21.05 dated July 14, 2021 (modified 10.05.21)

Exhibit D: Email from Jim Crosby with summary of proposed highlights within PUD 10.05.2021



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday, July 19, 2021

RE: Rezone (BXZO-21.14) a large parcel of rural land from Agriculture (AG) to Commercial Shopping (CS) and Residential Single-Family (RS-3)

Planned Unit Development (BXPUD-21.05) supplemental zoning for requested rezone of subject property to Commercial Shopping (CS) and Residential Single-Family (RS-3).

Location: East 151st Street South and South Yale Avenue, Bixby, Oklahoma 74008
Unplatted: 120 Acres (+/-)

STR: Section 21, Township 17N, Range 13E

Project: Biggers Property – Rezone and PUD

Applicant: Planning Design Group

Request:

Rezone from Agriculture (AG), with a portion of the Northern border along East 151st Street South to Commercial Shopping (CS) and the bulk of the property to Residential Single Family (RS-3). A smaller portion of the hard corner on East 151st Street South and South Yale Avenue will remain zoned Commercial Shopping (CS).

Existing Zoning; Use:

Commercial Shopping (CS); Vacant
Agriculture (AG); Vacant

Abutting Zoning; Use:

North: (CS) Commercial Shopping; E 151st Street South Right-of-Way and Vacant

East: (AG) Agriculture; Single-Family Dwellings

(CG) Commercial General; Vacant

(OM) Office Medium; Vacant

(RS-2) Residential Single-Family; Vacant

South: (AG) Agriculture; Vacant

West: (AG) Agriculture; Vacant

Proposed Zoning; Use:

Development Area A - Single-Family (RM-3 with PUD); Residential Single-Family Dwellings

Development Area B - Commercial Shopping (CS); Future Commercial Shopping zoning use(s)



Figure 1: City of Bixby Zoning Map

Staff Review

The applicant is requesting a Rezone (BXZO 21.14) that consists of a portion (14.5 acres) of the Northern border to be rezoned to Commercial Shopping (CS), with a portion of the southwest hard corner of East 151st Street South and South Yale Avenue to remain Commercial Shopping. The remaining 120 (+/-) acres to be rezoned to Residential Single Family (RS-3).

The proposed rezone does not currently align with the Comprehensive Plan, 2030 Future Land Use Map designation of Mixed-Use. An application has been submitted and scheduled to be heard in our quarterly City Council Comprehensive Plan Amendment reviews during their July 26, 2021 hearing.

The Biggers Planned Unit Development (BXPUD-21.05) is divided into two (2) Development Areas. Phasing to be determined during platting process.

- **Development Area A – Residential Development Standards**
Approximately 120 (+/-) acres and will consist of single-family detached dwellings intended for individual ownership.
 - Minimum Lot Width 55 feet*
 - Minimum Lot Width
 - cul-de-sac *up to 5 foot reduction along ROW frontage
 - pie-shaped *up to 5 foot reduction along ROW frontage (Must meet minimum lot size requirements)
 - Minimum Lot Size 5,500 SF
 - Total Allowable Number of Lots 380
 - Dwelling Units per Gross Acre 4.0 DU/acre (max)
- **Development Area B – Commercial Development Standards**
Approximately 14.5 (+/-) acres. Allowed uses will consist of commercial lots adhering to the City of Bixby's Commercial Shopping (CS) Zoning Code Regulations.

Utilities/Site Area: There is a 12" water main running East/West on the South side of East 151st Street South. Sanitary Sewer is in close proximity, but would require an extension through a Department of Environmental Quality, Permit to Construct. Stormwater will be conveyed through the site and connect to the floodplain and proposed detention ponds located on the western edge of the property.

Public Comments: No comments have been received at time of this report.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Rezone as the applicant's current and proposed uses are amenable to surrounding densities and types of use.
2. Staff supports Planning Commission recommendation for approval of the altering/increasing the dimensions of Commercial Shopping (CS) zoned area to 14.5 acres (+/-).
3. Staff worked closely with the applicant for minor modifications to the PUD that were already implemented.
4. Staff recommends requiring a minimum of 75% of the total structure be masonry materials, excluding door and window areas, within Development Area A – Residential. Approved masonry materials include stone, brick, stucco, and cementitious siding. Street facing facades must be solid masonry up to the first floor top plate.
5. Staff recommends requiring a minimum of 50% of the total structure be masonry materials, excluding door and window areas, within Development Area B - Commercial. Approved masonry materials include stone, brick, stucco, EIFS, and cementitious siding. Street facing facades must be solid masonry and other facades require a masonry wainscot with no exposed stem walls.

Figures: Figure 1: City of Bixby Zoning Map

Attachments:

Exhibit A.1:	Legal Description of Development Area A
Exhibit A.2:	Legal Description of Development Area B
Exhibit A.3:	Boundary Survey
Exhibit B:	Proposed Zoning
Exhibit C:	Biggers PUD (BXPUD-21.05) dated 07.14.21



July 20, 2021

Ms. Carolyn Back
Development Service Director | City Planner
City of Bixby
116 W. Needles Ave.
Bixby, OK 74008

RE: Appeal of the Bixby Planning Commission Ruling for the Biggers Tract
Rezone – BXSP-21.14 and Planned Unit Development – BXPUD-21.05

Dear Ms. Back,

PDG, representing the Dorothy L. Biggers Trust, is appealing the Bixby Planning Commissions decision for denial of the re-zoning and Planned Unit Development brought before them on the evening of July 19, 2021. The general location of this property is East 151st Street South and South Yale Ave. Bixby Oklahoma. We would request to go before the Bixby City Council on the evening of July 26, 2021 to present our case.

Sincerely,
PLANNING DESIGN GROUP

A handwritten signature in black ink, appearing to read "Jim Crosby". The signature is fluid and cursive, with a large initial "J" and a stylized "C".

Jim Crosby, PLA, ASLA
Principal

Submitted to:
City of Bixby, Oklahoma
July 14, 2021

Modified: 10.05.2021

BXPUD- BIGGERS PROPERTY BIXBY, OKLAHOMA

SUBMISSION FOR PLANNED UNIT DEVELOPMENT

Prepared By:

Planning Design Group
5314 S. Yale Ave., Suite
510
Tulsa, OK 74135
918-628-1255

Prepared For:

Dorothy L. Biggers Trust
3501 W. Atlanta Ct.
Broken Arrow, OK 74102

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DEVELOPMENT CONCEPT

The Biggers Property is a $\pm$ 130-acre parcel of land located in Bixby on E. 151st Street on the south side of the road and just east of the new Bixby K-8 school campus. Kimberly Clark Pl. meets E. 151st St. S. directly north of the property. The property is bound by White Hawk Storage on the west, E. 151st St. S. on the north, S 49th E. Ave/S. Yale Ave. and two existing rural home sites on the east, and agricultural land on the south. There is an out-track parcel located on the north east portion of the site.

The Biggers Property is a proposed Planned Unit Development (PUD) consisting primarily of single family detached residential lots located along a public street system. Frontage located along E. 151st and a tract at the corner of E. 151st Street and S. Yale Ave. will be reserved for future commercial use.

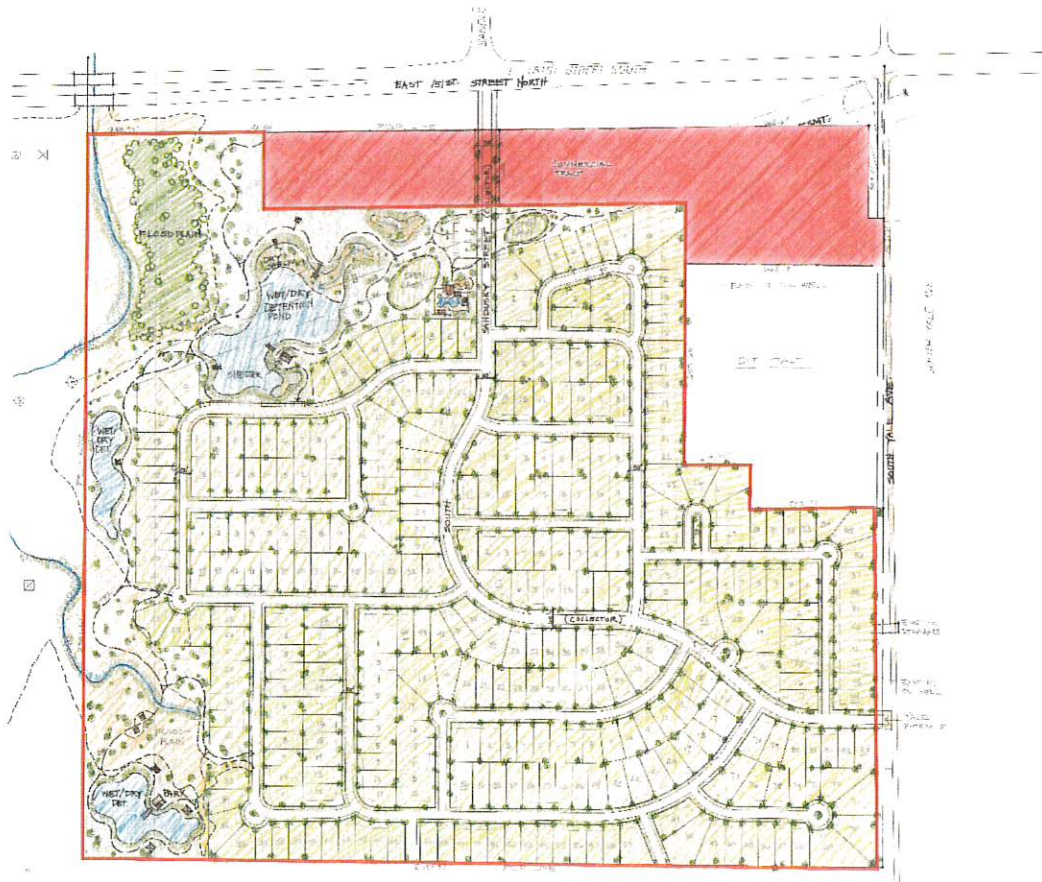
Biggers Property will be distinguishable by its high quality landscaped vehicular entry and branding signage, all of which will be maintained by a Homeowner's Association. All vehicular entrances into the development are designed with enhanced landscaping and signage to create an inviting front door to the community.

Most of the west edge and the northwest corner of the property are within the floodplain. An existing powerline easement located on the northern portion of the site bisects the project from east to west. Areas for project detention, community pool/club house, and open space amenities have been planned for around the existing floodplain and within the powerline easement area. Drainage coming into the site from the east will be conveyed through the site and connect to the floodplain and detention ponds located on the western edge of the property.

DEVELOPMENT STANDARDS

Development Area A: Residential Development Standards

Development Area A Project Gross Area	± 120 Acres
Minimum Lot Size	6,325 sq. ft.
Total Allowable Number of Lots	380
Dwelling Units per Gross Acre	4.0 Units per acre max.



The principal use for Development Area A is single-family detached dwellings, which are intended to be used for individual ownership. District 2 shall be governed by the following development standards:

Standard	Existing	Proposed
Zoning	AG	RS-3 with PUD
Minimum Lot Area	2 acres	6,325 SF
Minimum Lot Width	200 feet	55 feet* and 60 feet* Maximum of 50% at 55 feet
Land Area per Dwelling Units (min. acres)	2.2 acres	8400 SF
Yard Abutting a Street	25 feet	NA
Arterial & Freeway Service Rd.	35 feet	NA
Not an Arterial	25 feet	NA
Minimum Front Yard Setback	25 feet	20 feet
Minimum Rear Yard Setback	40 feet	20 feet ***
Minimum Side Yard Setback	0	
One Side	NA	5 feet
Other Side	NA	5 feet
Corner Lots	NA	10 feet *
Livability Space (sf.)	N/A	3,000
Maximum Height/Stories	45 feet	35'
Minimum Off-Street Parking Spaces	N/A	2

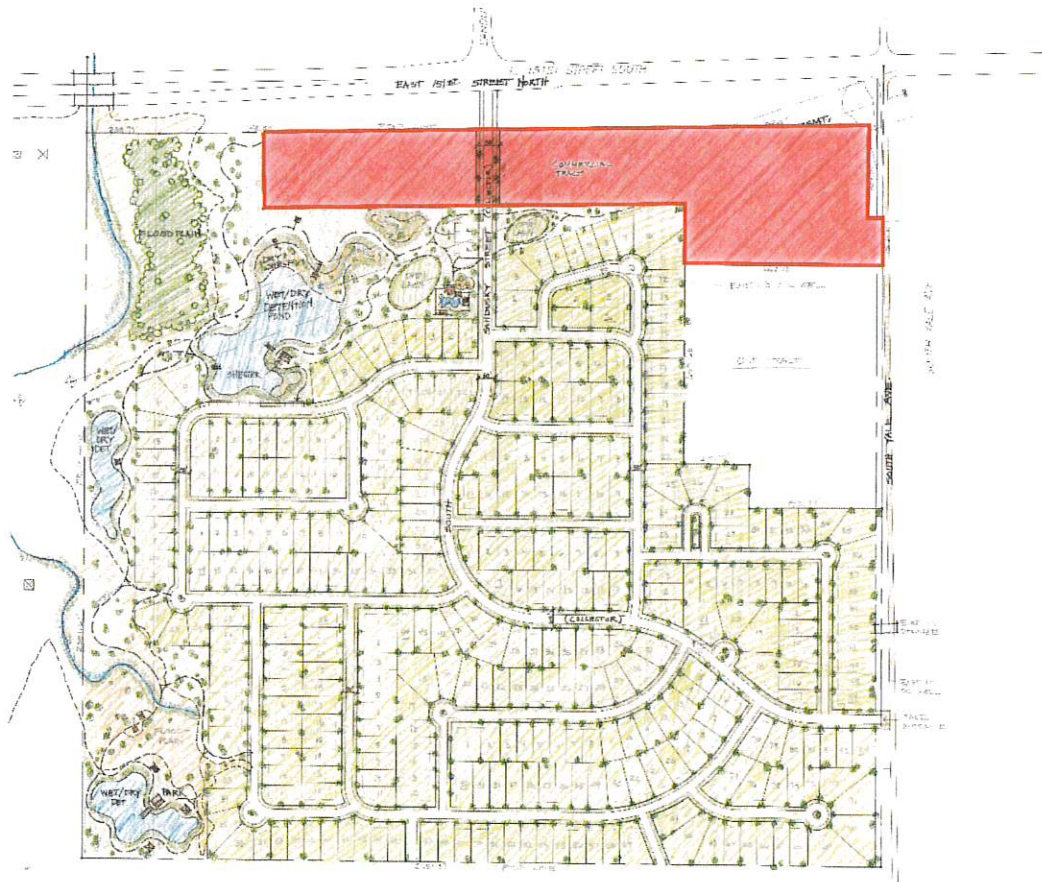
* The width of any cul-de-sac or pie-shaped lots which meets the requirements for minimum lot size may have less than minimum frontage at the right of way but no more than a 5-foot deviation.

** All houses built on corner lots must face the 20-foot front yard setback.

*** No building shall encroach on any utility easements.

Development Area B: Commercial Development Standards

Development Area B is located along the E. 151st St. corridor and contains approximately 14.5 acres. All commercial lots within the Biggers PUD will adhere to the City of Bixby's Commercial General (CG) Zoning Code Regulations.



ACCESS & CONNECTIVITY

The two main entrances to the subdivision occurs off E. 151st Street and S. Yale Ave. The main thoroughfare running through the neighborhood will be Sandusky Street, designed as a 60-foot right-of-way Collector Street. The Collector street will connect east onto Yale Ave. and will also serve as an entrance into the development. A stub street located on the south end of the property will be provided to ensure future connectivity.

LANDSCAPE REQUIREMENTS

The Biggers PUD will be landscaped to a high-level standard meeting and exceeding the minimum requirements set out by the City of Bixby landscape ordinance. A landscape plan will be submitted to the City of Bixby for compliance with the PUD standards set forth in this section.

FENCING & GATE REQUIREMENTS

Fencing along S. Yale Ave will be a combination of wood and masonry materials. The primary vehicular entrances are located off E. 151st Street and S. Yale Ave. and may utilize entry architectural features that exceed the 8-foot requirement, with the City of Bixby approval.

Backyard residential fences that abut the east, west, and south site boundaries are required to have an opaque wood fence and shall not exceed 6-foot in height.

SIDEWALK AND TRAIL REQUIREMENTS

At the time of commercial development construction, a public sidewalk will be constructed along the E. 151st Street frontage. Additionally, a public sidewalk will be constructed along the S. Yale Ave. corridor and shall be phased accordingly to the development schedule. Public sidewalks will be constructed along internal residential streets. An internal trail system within the greenbelt areas will connect to the public sidewalk system.

BUILDING MATERIALS

Development Area A – Residential: A minimum of 75 percent (%) of the total structure to be masonry material, excluding door and window areas. Approved

masonry materials include stone, brick, stucco, and cementitious siding. Street facing facades must be solid masonry up to the first-floor top plate.

Development Area B – Commercial: A minimum of 50 percent (%) of the total structure to be masonry material excluding door and window areas. Approved masonry materials include stone, brick, stucco, EIFS and cementitious siding. Street facing facades must be solid masonry and other facades require a masonry wainscot with no exposed stem walls.

HOMEOWNERS ASSOCIATION

A mandatory Homeowner's Association shall be established for the Biggers subdivision development and will be responsible for the maintenance of the landscaped entries, community amenity areas, and all reserves and landscaped areas.

These areas will be constructed and landscaped to a high standard by the developer and then turned over to the Biggers Homeowner's Association for perpetual maintenance. In the event the association fails to maintain these areas to a proper and safe manner, the City of Bixby will have the right to maintain or pay a third-party contractor to maintain these areas and bill each member of the Biggers Homeowner's Association for the entire cost. Should payment by any member not be made, the City of Bixby may file a lien on the delinquent member's personal property within the platted subdivision.

Final documents for the Biggers Homeowner's Association will be filed with the final plat and will include the maintenance agreement and other specific rights and requirements for association members.

SITE PLAN REVIEW

No building permit shall be issued for the construction of buildings within a development area until a detailed site plan (subdivision plat) of the development area has been submitted to and approved by the City of Bixby Planning Commission as being in compliance with the PUD Development Concept and the Development Standards. Separate building permits may be issued for individual home construction after the subdivision infrastructure has been given final approval by the City of Bixby.

PLATTING REQUIREMENTS

No building permit shall be issued until the property has been included within a preliminary and final subdivision plat submitted to and approved by the Bixby Planning Commission and the Bixby City Council and duly filed of record, provided however, that development areas may be platted separately. Restrictive covenants shall be established and filed of record , and the City of Bixby shall be made a beneficiary of all public infrastructure thereof. Covenants shall establish the minimum home square footage size at 1,500 square feet.

SCHEDULE OF DEVELOPMENT

Development of the Biggers Property is anticipated to commence upon approval by the City of Bixby and upon filing of the final plat.

Carolyn Back

From: Jim Crosby <jcrosby@pdgtulsa.com>
Sent: Tuesday, October 5, 2021 5:55 PM
To: Carolyn Back
Cc: Donna Crawford
Subject: RE: Biggers
Attachments: Biggers Prop PUD Rev_10-5-21.pdf

Carolyn,

Attached is the revised PUD booklet for the Biggers Property. It is pretty simple change, at least the way I have done it. What I did to make it simple for your review is I have highlighted in yellow the changes made and summarized them here below. If you approve I will remove the yellow highlights and send it back to you. The changes are as follows:

Page 4 – Minimum Lot size was changed from 5,500 sq. ft. to 6,325 sq. ft. (increased the size)

Page 5 table - Minimum Lot size was changed from 5,500 sq. ft. to 6,325 sq. ft. (increased the size)

Page 5 table – Minimum Lot Width changed from 55 feet to 55 feet and 60 feet – Maximum of 50% at 55 Feet

Page 9 Platting requirements – At the end of the paragraph I added the sentence - Covenants shall establish the minimum home square footage size at 1,500 square feet.

Let me know if you have any comments or revisions you think need to be made. Thank you meeting with the client and I last week and for working so patiently with me on this project.

Thank you,

Jim Crosby, PLA, ASLA



5314 S. Yale Ave, Suite 510
Tulsa, OK 74135
ph. 918-628-1255
www.planningdesigngroup.com



ORDINANCE NO. 2349

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR BIGGERS TRUST, CONTAINING 120 ACRES, MORE OR LESS, IN SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "MIXED-USE" DESIGNATION AND AMENDING TO "COMMERCIAL" AND "MEDIUM-DENSITY RESIDENTIAL", (BXCP-21.04); 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:

Section 1. That Ordinance No. 2267 and the Future Land Use Map in the 2018 Comprehensive Plan be and the same is now amended for the following described real property, to-wit:

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N

00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, be and the same is now redesignated from "Mixed-Use," to "Commercial" and "Medium-Density Residential."

Section 3. 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 4. 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 ____ day of ____ 2021.

Brian Guthrie
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 ____ day of _____ 2021.

Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

Yvonne Adams
City Clerk

APPROVED:

Phil Frazier
City Attorney

ORDINANCE No. 2350

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CS (COMMERCIAL SHOPPING) AND RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.14) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.05); AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That Ordinance No. 272 be and the same is now amended and the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Located at the southwest corner of East 151st Street South and South Yale Avenue, Bixby, Oklahoma, BXZO-21.14 and BXPUD-21.05, be and the same is now rezoned from AG (Agriculture) to a CS (Commercial Shopping) and RS-3 (Residential Single-Family) classification.

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 ____ day of _____, 2021.

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 ____ day of _____, 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)

ATTEST:

City Clerk

APPROVED:

City Attorney

EXHIBIT A

RESIDENTIAL DEVELOPMENT AREA A

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 157.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE S 00°01'07" W A DISTANCE OF 657.68 FEET; THENCE S 89°38'06" E A DISTANCE OF 219.35 FEET; THENCE S 00°22'03" W A DISTANCE OF 142.83 FEET; THENCE N 89°32'03" E A DISTANCE OF 443.97 FEET TO A POINT ON THE EAST LINE OF SAID NE/4; THENCE S 00°00'00" E A DISTANCE OF 1179.03 FEET TO THE SOUTHEAST CORNER OF SAID NE/4; THENCE N 89°37'44" W ALONG THE SOUTH LINE OF SAID NE/4 A DISTANCE OF 2651.33 FEET TO THE SOUTHWEST CORNER OF SAID NE/4; THENCE N 00°04'29" E ALONG THE WEST LINE OF SAID NE/4 A DISTANCE OF 2381.61 FEET TO A POINT ON THE SOUTH RIGHT OF WAY (R/W) OF STATE HIGHWAY #67; THENCE S 89°38'15" E ALONG SAID R/W A DISTANCE OF 238.99 FEET; THENCE N 89°04'49" E AND ALONG SAID R/W A DISTANCE OF 348.88 FEET; THENCE S 0°01'07" W A DISTANCE OF 250.00 FEET; THENCE N 89°04'49" E A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 197.99 FEET; THENCE S 89°38'06" E A DISTANCE OF 662.18 FEET TO THE EAST LINE OF SAID NE/4; THENCE N 00°00'00" W AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 120 ACRES MORE OR LESS.

COMMERCIAL DEVELOPMENT AREA B

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED U.S. GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S 00°00'00" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 657.71 FEET; THENCE N 89°38'06" W A DISTANCE OF 662.18 FEET; THENCE N 00°01'07" E A DISTANCE OF 197.99 FEET TO THE POINT OF BEGINNING; THENCE S 89°04'49" W A DISTANCE OF 1398.50 FEET; THENCE N 00°01'07" E A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #67; THENCE N 89°04'49" E ALONG SAID SOUTH R/W LINE A DISTANCE OF 1398.50 FEET; THENCE S 00°01'07" W A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.025 ACRES, MORE OR LESS.



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

October 25, 2021

To: City of Bixby, City Council
From: Carolyn Back, Development Services Director / City Planner
Date: October 25, 2021
Name: Marshall – Bara Acres Annexation
RE: Letter of Consent and Petition for Annexation
Location: Northwest corner of East 151st Street South and South Harvard Avenue
STR: 17-17N-13E
Applicant: Tanner Consulting, LLC

Staff Review

Request:

Petition for Annexation of 57.14 acres (+/-) of land into the city limits of Bixby.

Existing Zoning; Use:

(AG) and (RS-3)

Abutting Zoning; Use:

North: (AG) Agriculture and (RS-3) Residential Single-Family; vacant and single-family residential

East: (AG) Agriculture and (RS-3) Residential Single-Family; vacant and single-family residential

South: (AG) Agriculture; vacant

West: (AG) Agriculture; vacant

Project Overview:

# of Acres	57.14 (+/-)
Nearest Water	Bixby 12" east side of Harvard (running N/S)
Nearest Sanitary Sewer	Bixby 8" located north & east of site, in Enclave at Harvard Ponds

Staff Information Source:

- Letter of Consent and Petition for Annexation request with property legal descriptions (attached)
- Public Notices advertised on 10.03.2021 and 10.10.2021 in the Tulsa World (attached)
- Applicant respectfully requests the territory being annexed into the City of Bixby be deemed AG Agriculture as it will be rezoned and developed into single-family residential

Public Comments:

None received

Staff Comments:

Staff recommends accepting the Request for Annexation from Posey Creek, LLC and The King Family Trust for project known as Marshall-Bara Acres.



Figure 1: City of Bixby Zoning Map

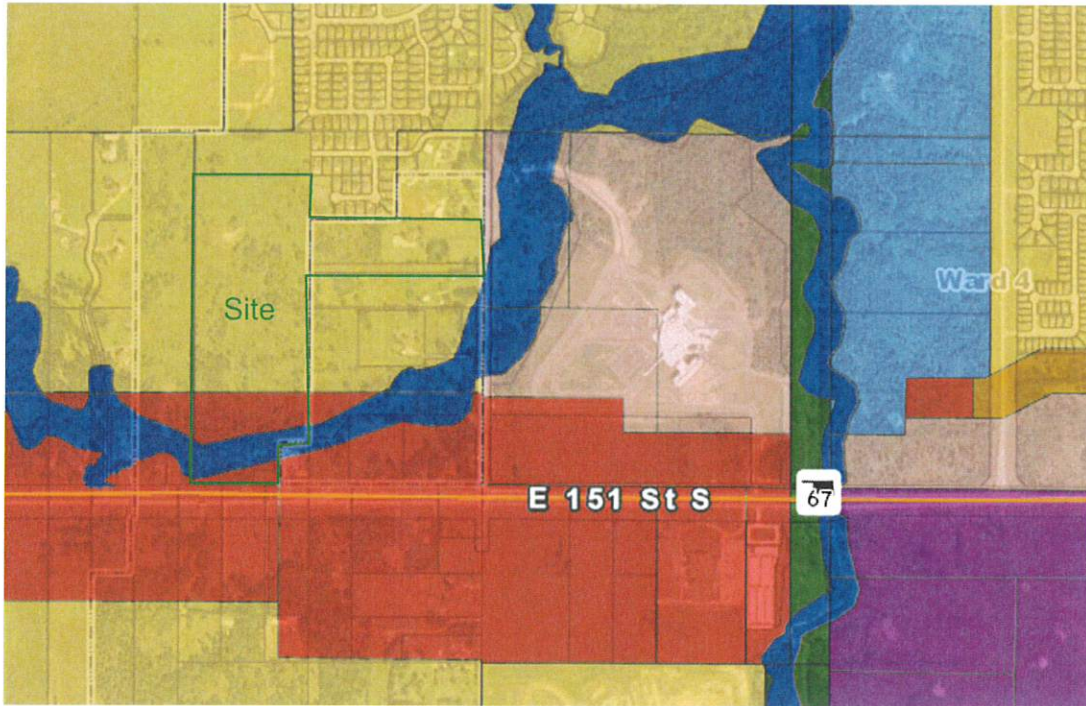


Figure 2: City of Bixby Future Land Use Map

Attachments:

Exhibit A: Letter of Consent and Petition for Annexation Posey Creek, LLC 09.16.2021

Exhibit B: Letter of Consent and Petition for Annexation The King Family Trust 09.21.2021

Exhibit C: Legal Descriptions

LETTER OF CONSENT AND PETITION FOR ANNEXATION

September 16, 2021

Mayor and City Council
City of Bixby
PO Box 70
Bixby, OK 74008

Dear Mayor and Council:

I (We), Posey Creek 151, LLC, sole owner(s) of the following described real property, do hereby consent to and petition annexation of said property into the City of Bixby, Tulsa and Wagoner Counties, State of Oklahoma.

Property legal description:

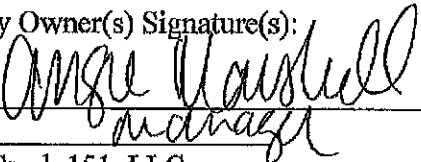
THE NORTH 70 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 S/2
NE/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17)
NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND
MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO
THE U.S. GOVERNMENT SURVEY THEREOF.

I (We) are requesting* a AG Zoning Classification for said property which will be used for the following purposes: to be rezoned and developed single-family residential.

Further, I (we) authorize Tanner Consulting, LLC, to file rezoning, subdivision plat, and related land development entitlement applications on our behalf.

**(The City Council may assign a comparable zoning classification as exists currently in unincorporated Tulsa or Wagoner County in accordance with Zoning Code Section 11-1-4.B)*

Property Owner(s) Signature(s):


Title: manager

Posey Creek 151, LLC
an Oklahoma Limited Liability Company

9.16.21
Date

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and state, on this 16
day of September, 2021, personally appeared Annie Marshall to me known
be the identical person who subscribed the name of the maker thereof to the foregoing instrument
as its Manager and acknowledged to me that she executed the same as her free and
voluntary act and deed of Posey Creek 151, LLC, for the uses and purposes therein set forth.

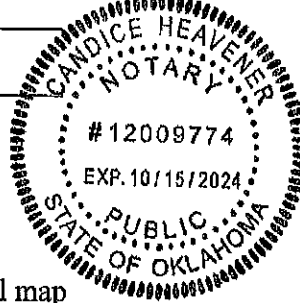
Given under my hand and seal the day and year least above written.

Candice Heavener
Notary Public

Notary Commission Number: 12009774

My Commission Expires: 10/15/2024

(SEAL)



Enclosures: Survey or County Assessor's parcel map
Copy of deed

LETTER OF CONSENT AND PETITION FOR ANNEXATION

9-21, 2021

Mayor and City Council
City of Bixby
PO Box 70
Bixby, OK 74008

Dear Mayor and Council:

I (We), Larry Baugh King and Kathryn March King, Co-Trustees, The King Family Trust, dated 4-15-02, sole owner(s) of the following described real property, do hereby consent to and petition annexation of said property into the City of Bixby, Tulsa and Wagoner Counties, State of Oklahoma.

Property legal description:

PER TRUSTEE'S DEED DATED AUGUST 30TH, 2002, FILED OF RECORD SEPTEMBER 11, 2002 IN BOOK 6822 ON PAGE 69 IN THE RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA:

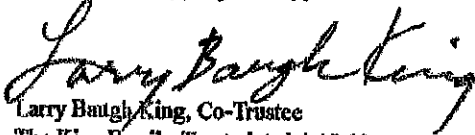
THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 S/2 NE/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

I (We) are requesting* a AG Zoning Classification for said property which will be used for the following purposes: to be rezoned and developed single-family residential.

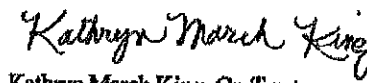
Further, I (we) authorize Tanner Consulting, LLC, to file rezoning, subdivision plat, and related land development entitlement applications on our behalf.

**(The City Council may assign a comparable zoning classification as exists currently in unincorporated Tulsa or Wagoner County in accordance with Zoning Code Section 11-1-4.B)*

Property Owner(s) Signature(s):


Larry Baugh King, Co-Trustee
The King Family Trust, dated 4-15-02

9-21-21
Date


Kathryn March King, Co-Trustee
The King Family Trust, dated 4-15-02

Date 9-21-21

STATE OF OKLAHOMA)

) ss. CO-TRUSTEE ACKNOWLEDGEMENT
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and state, on this 21st day of September, 2021, personally appeared Larry Baugh King, to me known be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____ and acknowledged to me that he executed the same as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal the day and year least above written.

Notary Public
Notary Commission Number:
My Commission Expires:
Kerri M. King
(SEAL) 9-21-21



STATE OF OKLAHOMA)
) ss. CO-TRUSTEE ACKNOWLEDGEMENT
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and state, on this 21st day of September, 2021, personally appeared Kathryn March King, to me known be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____ and acknowledged to me that she executed the same as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal the day and year least above written.

Notary Public
Notary Commission Number:
My Commission Expires:
Kerri M. King
(SEAL) 9-21-21



Enclosures: Survey or County Assessor's parcel map
Copy of deed

ORDINANCE NO. 2369

ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF
BIXBY, OKLAHOMA

WHEREAS, on SEPTEMBER 16, 2021, the City of Bixby, Oklahoma, received a Petition for Annexation of certain property set forth in Exhibit "A" attached into the City's corporate limits from Tanner Consulting, LLC, on behalf of Posey Creek 151, LLC.

WHEREAS, said Petition for Annexation was filed pursuant to the provisions of 11 O.S. Sec. 21-105 by the owners of more than three-fourths (3/4) of said property. That no registered voters residing on said property appear in protest.

WHEREAS, Notice of the hearing before the Bixby City Council was published for two consecutive weeks prior to said hearing as required by 11 O.S. Sec. 21-105.

WHEREAS, the Bixby City Council approves said Petition for Annexation into the City of Bixby, Oklahoma corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, that said property described in Exhibit "A" attached hereto is hereby annexed into the corporate limits of the City of Bixby, Oklahoma.

EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety of the residents of the City of Bixby and, for such reason, this ordinance shall take effect immediately from and after its passage and approval.

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 day of , 2021.

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 day of , 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

EXHIBIT A
MARSHALL – BARA ACRES ANNEXATION
LEGAL DESCRIPTIONS

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 S/2 NE/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVERY THEREOF.

AND ALSO:

THE NORTH 70 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 S/2 NE/4 SE/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVERY THEREOF.



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Commentary

To: City of Bixby, City Council
From: Carolyn Back, Development Services Director/City Planner
Date: Monday, October 25, 2021
Name: 161st and Memorial
RE: Comprehensive Plan Amendment (BXCP-21.12), Rezone (BXZO-21.18), and Planned Unit Development (BXPUD-21.11)
Location: SW/c of East 161st Street and South Memorial Drive
122.18 Acres (+/-)
STR: Section 26, Township 17N, Range 13E
Applicant: Tanner Consulting, LLC

Please see attached 10.18.21 Planning Commission Staff Report for: Zoning and Comprehensive Plan designations, Proposed Zoning designations with uses and Comprehensive Plan designations, Proposed Amenities, Staff Review, and Utilities in the Area.

Project Overview:

# of Acres 122.18 (+/-)			
# of Lots - Dev A 1 to 2 Lots (Commercial) 10.844 Acres	Min Lot Size N/A	Min Lot Width N/A	Min Dwelling Size N/A
# of Lots - Dev B 283 Lots – Ungated 90.753 Acres	Min Lot Size 6,900 SF	Min Lot Width 60 ft	Min Dwelling Size 1500 SF
# of Lots - Dev C 162 Dwelling Units – Gated 20.543 Acres	Min Lot Size 20-Acre Community	Min Lot Width 600 ft	Min Dwelling Size 1000 SF

Gated Cottage Housing: The Commissioners asked the applicant about the smaller units and the anticipated price point. The applicant mentioned the smallest unit's square footage is approximately 1,000 SF with a rental rate estimated to be \$1,700 per month.

Staff Report: BXCP-21.12, BXPUD-21.11, BXZO-21.18 Tanner Consulting, LLC | 10.25.2021 |

Page 1 of 2



Figure 1: City of Bixby Zoning Map

Engineering Comments:

To be addressed at permitting:

- Upgrade to the Devine-Ellard Lift Station
- Excess capacity extension of Sanitary Sewer to the west

The stormwater will drain to the Bixby Creek Tributary.

Public Comments: Several public comments were received before the Planning Commission meeting and three (3) residents attended the meeting and spoke in opposition to the project. Their concerns were focused on housing density.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Comprehensive Plan Amendment, Rezone, and PUD as the proposed uses should be amenable to surrounding densities and types of uses anticipated with the projected growth in the area.

Attachments:

Exhibit A: BXPUD-21.11 by Tanner Consulting, LLC, September 24, 2021

(Applicant to present an updated PowerPoint presentation with various color building elevations for Cottage Housing Units.)



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission
From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner
Date: Monday, October 18, 2021
Name: 161st and Memorial
RE: Comprehensive Plan Amendment (BXCP-21.12), Rezone (BXZO-21.18),
and Planned Unit Development (BXPUD-21.11)
Location: SW/c of East 161st Street and South Memorial Drive
122.18 Acres (+/-)
STR: Section 26, Township 17N, Range 13E
Applicant: Tanner Consulting, LLC

Request:

The applicant is requesting a Comprehensive Plan Amendment (BXCP-21.12) from Low-Density Residential to Medium and Medium-High Residential and Commercial, Rezone (BXZO-21.18) from Agriculture (AG) to Commercial General (CG) and Residential Single-Family (RS-3) with Supplemental Zoning through (BXPUD-21.11).

Existing Zoning; Use:

Agriculture (AG); Agriculture

Abutting Zoning; Use:

North: (AG) Agriculture; Vacant
(CS) Commercial Shopping; Vacant
East: (AG) Agriculture; Vacant
(CS) Commercial Shopping; Vacant
(RMH) Residential Manufactured Home; Mobile Home Park
(RS-3) Residential Single-Family; Vacant
South: (AG) Agriculture; Vacant
West: (AG) Agriculture; Vacant

Proposed Zoning; Use:

(CG) Commercial General; as specified in the attached PUD

(RS-3) Residential Single-Family; Single-Family Dwellings and Gated Cottage Housing

Project Overview:

# of Acres 122.18 (+/-)			
# of Lots - Dev A 1 to 2 Lots (Commercial) 10.844 Acres	Min Lot Size N/A	Min Lot Width N/A	Min Dwelling Size N/A
# of Lots - Dev B 283 Lots – Ungated 90.753 Acres	Min Lot Size 6,900 SF	Min Lot Width 60 ft	Min Dwelling Size 1500 SF
# of Lots - Dev C 162 Dwelling Units – Gated 20.543 Acres	Min Lot Size 20-Acre Community	Min Lot Width 600 ft	Min Dwelling Size 1000 SF

Amenities: As currently planned, the generous open space areas necessary for stormwater drainage and detention will doubly serve as linear parks with sidewalks and/or trails connecting each end of the neighborhood. Streets and pedestrian access ways, consisting of sidewalks and/or trails, will connect the entire village and create a walkable, cohesive neighborhood. A swimming pool is shown in the gated Cottage House area, but not specifically called out in the PUD amenities.

**Figure 1:** City of Bixby Zoning Map

Staff Review

The applicant is requesting a Comprehensive Plan Amendment (BXCP-21.12), Rezone (BXZO-21.18) to Residential Single-Family (RS-3) with supplemental zoning through BXPUD-21.11. With this Rezone to Residential Single-Family and a small extended portion of Commercial, it assures compatibility with adjoining proximate properties.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses. With the availability of public sanitary sewer and public water through extensions within the site, the site may support the proposed densities.

161st and Memorial is proposed as a Planned Unit Development (PUD) to satisfy the requirement for a Residential Single-Family (RS-3) development. This development will provide community access to an open space network of trails and a linear park type network throughout the Stormwater Drainage and Detention areas.

The rezone will also put in action an update to the Comprehensive Plan, 2030 Future Land Use Map and is running concurrently with this application for review and approval.

Utilities/Site Area:

- There is a 12" water main and a 12" gravity sanitary sewer main running North/South on the East side of S. Memorial Drive.
- There is an 8" water main running North/South on the West side of S. Memorial Drive located at the Northeast corner of the property.
- There is a 12" water main running East/West on the North side of E. 161st Street South and it crosses to the SW/corner of the intersection.
- There is a 21" sanitary sewer main running East/West on the South side of E. 161st Street South.

Engineering Comments:

To be addressed at permitting:

- Upgrade to the Devine-Ellard Lift Station
- Excess capacity extension of Sanitary Sewer to the west

The stormwater will drain to the Bixby Creek Tributary.

Public Comments: Several public comments have been received from one Bixby resident that lives in the area. His concerns seem to be focused on housing density.

Staff Comments:

1. Staff supports Planning Commission recommendation for approval of the requested Comprehensive Plan Amendment, Rezone, and PUD as the proposed uses should be amenable to surrounding densities and types of uses anticipated with the projected growth in the area.

Attachments:

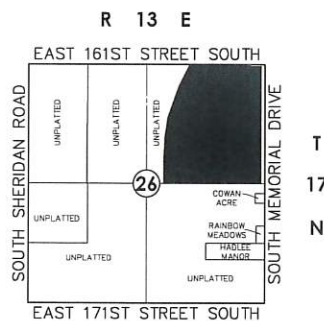
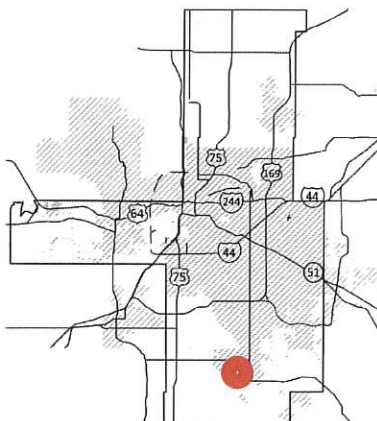
Exhibit A: BXPUD-21.11 by Tanner Consulting, LLC, September 24, 2021

161st & Memorial

A PLANNED UNIT DEVELOPMENT (PUD) OF APPROXIMATELY 122.180 ACRES
LOCATED AT THE SOUTHWEST CORNER OF EAST 161ST STREET SOUTH & SOUTH MEMORIAL DRIVE
CITY OF BIXBY, TULSA COUNTY, OKLAHOMA



SEPTEMBER 24, 2021



Location Map
Scale: 1" = 2000'

OWNER/DEVELOPER:
151 BIXBY LLC
C/O JULIUS PUMA
10618 S WINSTON CT
TULSA, OK 74137
918-298-6700

APPLICANT/CONSULTANT:
TANNER CONSULTING LLC
c/o ERIK ENYART
5323 S LEWIS AVE
TULSA, OK 74105
EENYART@TANNERBAITSHOP.COM



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I. PROPERTY DESCRIPTIONS

161st & Memorial consists of 122.180 acres located at the southwest corner of East 161st Street South and South Memorial Drive in the City of Bixby, Oklahoma, and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°36'36" WEST AND CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 2173.07 FEET; THENCE NORTH 1°57'28" WEST FOR A DISTANCE OF 485.00 FEET; THENCE NORTH 1°53'18" EAST FOR A DISTANCE OF 537.00 FEET; THENCE NORTH 6°47'18" EAST FOR A DISTANCE OF 435.00 FEET; THENCE NORTH 18°32'19" EAST FOR A DISTANCE OF 760.00 FEET; THENCE NORTH 24°56'19" EAST FOR A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 1150.00 FEET; THENCE SOUTH 1°35'16" EAST FOR A DISTANCE OF 24.75 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 161ST STREET SOUTH; THENCE SOUTH 87°09'19" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.99 FEET; THENCE NORTH 88°34'51" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 124.47 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG THE WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 2588.16 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 5,322,178 SQUARE FEET OR 122.180 ACRES.

The above-described property will hereinafter be referred to as the "Site" or "Subject Property" and is depicted on Exhibit A, "Aerial Photography & Boundary Depiction."

Development Area A contains 10.844 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH

MEMORIAL DRIVE, THENCE NORTH 1°11'06" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°35'21" WEST, FOR A DISTANCE OF 317.61 FEET; THENCE NORTH 1°24'39" WEST, FOR A DISTANCE OF 791.90 FEET; THENCE SOUTH 88°48'54" WEST, FOR A DISTANCE OF 130.00 FEET; THENCE NORTH 1°24'08" WEST, FOR A DISTANCE OF 505.25 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 161ST STREET SOUTH; THENCE SOUTH 87°09'19" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.99 FEET; THENCE NORTH 88°34'51" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 124.47 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG THE WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1273.28 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 474,118 SQUARE FEET OR 10.844 ACRES.

Development Area B contains 90.753 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°36'36" WEST AND CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 2173.07 FEET; THENCE NORTH 1°57'28" WEST FOR A DISTANCE OF 485.00 FEET; THENCE NORTH 1°53'18" EAST FOR A DISTANCE OF 537.00 FEET; THENCE NORTH 6°47'18" EAST FOR A DISTANCE OF 435.00 FEET; THENCE NORTH 18°32'19" EAST FOR A DISTANCE OF 760.00 FEET; THENCE NORTH 24°56'19" EAST FOR A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 550.00 FEET; THENCE SOUTH 1°24'39" EAST, FOR A DISTANCE OF 1318.00 FEET; THENCE NORTH 88°56'08" EAST, FOR A DISTANCE OF 730.01 FEET; THENCE NORTH 88°35'21" EAST, FOR A DISTANCE OF 317.61 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET; TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 3,953,205 SQUARE FEET OR 90.753 ACRES.

Development Area C contains 20.543 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE

THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, THENCE NORTH 1°11'06" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET; THENCE SOUTH 88°35'21" WEST, FOR A DISTANCE OF 317.61 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°56'08" WEST, FOR A DISTANCE OF 730.01 FEET; THENCE NORTH 1°24'39" WEST, FOR A DISTANCE OF 1318.00 FEET TO THE NORTH LINE OF THE NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 600.00 FEET; THENCE SOUTH 1°35'16" EAST, FOR A DISTANCE OF 24.75 FEET; THENCE SOUTH 1°24'08" EAST, FOR A DISTANCE OF 505.25 FEET; THENCE NORTH 88°48'54" EAST, FOR A DISTANCE OF 130.00 FEET; THENCE SOUTH 1°24'39" EAST, FOR A DISTANCE OF 791.90 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 894,838 SQUARE FEET OR 20.543 ACRES.

II. DEVELOPMENT CONCEPT

161st & Memorial is a mixed use Planned Unit Development (PUD) of 122.180 acres located at the southwest corner of East 161st Street South and South Memorial Drive in the City of Bixby, Oklahoma. 161st & Memorial proposes a variety of uses, with commercial areas centered at the intersection transitioning to a gated cottage house community, transitioning to a detached single family neighborhood. As planned, the generous open space areas necessary for stormwater drainage and detention will doubly serve as linear parks with sidewalks and/or trails connecting each end of the neighborhood. Streets and pedestrian accessways, consisting of sidewalks and/or trails, will connect the entire village and create a walkable, cohesive neighborhood.

As outlined in the Bixby Zoning Code, this PUD is intended to provide a unified treatment of the development possibilities of the project site, to permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, to permit flexibility within the development to best utilize the unique physical features of the subject property, to provide and preserve meaningful open space, and to achieve a continuity of function and design within the development.

The nonresidential intensities and residential densities as proposed by this PUD are in accordance with the existing "Future Land Use" designations of the City of Bixby 2018 Comprehensive Plan Future Land Use map. However, to better align the proposed land uses and intensities and densities, a companion application has been filed for Minor Amendment to the Comprehensive Plan to redesignate the map from "Commercial" and "Low Density Residential" to "Commercial," "Medium Density Residential," and "Medium-High Density Residential". Exhibit H is an excerpt of the existing Future Land Use map including the site. Exhibit I is the same map, modified to reflect the proposed Comprehensive Plan Minor Amendment.

To further facilitate this PUD, a companion application has been filed, BXZO-21.18, which proposes to rezone the site from AG Agricultural District to CG Commercial General District and RS-3 Single-Family Residential District. Existing zoning is reflected on Exhibit F and proposed zoning is reflected on Exhibit G of this PUD.

The PUD will allow the most efficient use of the land which is harmonious with the surrounding land uses, as represented on Exhibit A, "Aerial Photography & Boundary Depiction." A conceptual site plan depicting the design features and proposed Development Areas is provided on Exhibit B "Conceptual Site Plan." Final Development Area boundaries and areas shall be established by required PUD subdivision plats, provided that the maximum total number of dwelling units and nonresidential building floor areas shall be maintained. The PUD shall be developed in accordance with the use and development regulations of the City of Bixby Zoning Code, except as otherwise specified herein.

Although Zoning Code Sections 11-7I-5.A.1.b and 11-7B-4.A.1 Table 2 would permit at least 588 dwelling units with the proposed RS-3 underlying zoning, this PUD will restrict the development to 445 lots. In addition to lowering the density otherwise permitted, this PUD will impose higher development standards (minimum dwelling size and masonry requirements, requirements for minimum open space preservation for neighborhood amenities, etc.) than could otherwise be permitted under the existing Zoning Code provisions.

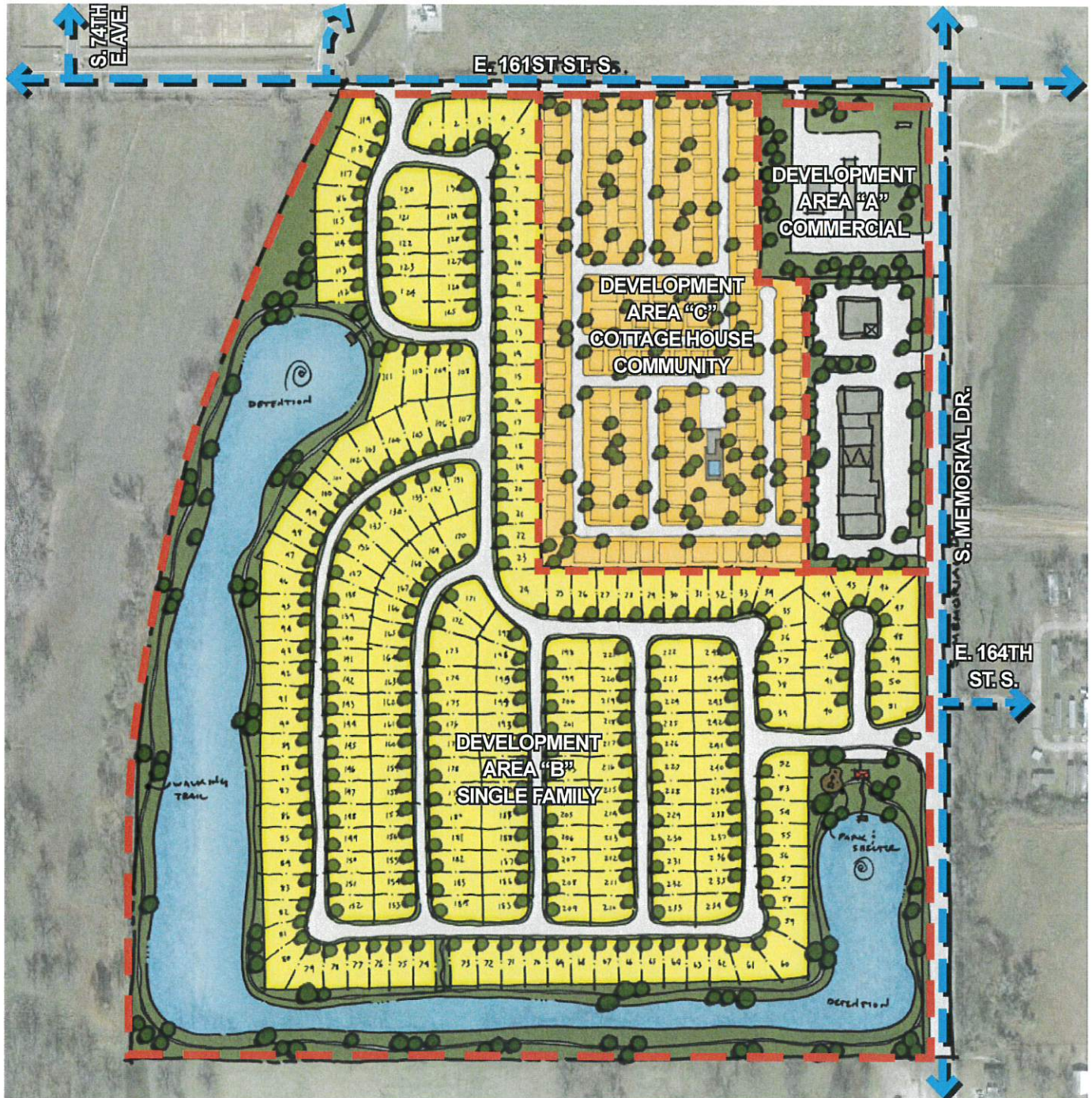
AERIAL PHOTOGRAPHY & BOUNDARY DEPICTION WITH ADJACENT DEVELOPMENTS LABELED



161st & Memorial

EXHIBIT B

CONCEPTUAL SITE PLAN
CONCEPTUAL LAYOUT DATED AUGUST 4, 2021



III. DEVELOPMENT STANDARDS

III.A. DEVELOPMENT AREA A:

Gross Land Area:	587,820 SF	13.494 AC
Net Land Area:	474,118 SF	10.884 AC
Permitted Uses: Uses permitted as a matter of right and in the CS Commercial Shopping Center District (except as specified below); dry cleaning/laundry within Use Unit 15; golf, frisbee golf, tennis, and water slide uses and outdoor recreation and amusement activities, NEC within Use Unit 20; and uses customarily accessory to permitted uses. <u>Excluded uses:</u> All uses classified as “sexually oriented” within the City of Bixby Zoning Code (Section 11-7D-6), mega events, residential treatment centers, and transitional living centers within Use Unit 5, and medical marijuana dispensaries within Use Unit 13.		
Maximum Floor Area Ratio:	0.75	
Maximum Building Floor Area:	440,865 SF	
Maximum Building Height:	2 Stories or 40 FT	
Minimum Arterial Street Frontage:	100 FT *	
Minimum Non-Arterial Street Frontage:	50 FT *	
Minimum Building Setbacks:		
From Arterial Street Right-of-Way:	25 FT	
From Non-Arterial Street Right-of-Way:	10 FT	
From Development Area B and C Boundaries:	10 FT **	
From All Other Boundaries:	0 FT	
Minimum and Maximum Parking Ratios:	Per Zoning Code ***	
Other Bulk and Area Requirements:	As required within CS District	

* Any interior lot having no street frontage shall be provided access to a public street by access easement(s) approved by the City of Bixby during platting review.

** Plus 2 feet setback for each 1 foot of building height exceeding 15 feet.

*** Minimum and maximum parking may be modified if a site plan is submitted to and approved by the Bixby Planning Commission.

III.B. DEVELOPMENT AREA B:

Gross Land Area:	4,048,113 SF	92.932 AC
Net Land Area:	3,953,205 SF	90.753 AC
Permitted Uses: Use Unit 6 single-family dwellings on individual lots and customary accessory uses; Use Unit 5 common area facilities such as neighborhood park, playground, and recreational open space.		
Maximum Number of Dwelling Units:	283	
Minimum Lot Width †:	60 FT	
Minimum Lot Size:	6,900 SF	
Minimum Land Area per Dwelling Unit:	8,400 SF *	
Maximum Building Height:	2 Stories and 35 FT **	
Off-street Parking and Yard Coverage:	Minimum two (2) enclosed off-street parking spaces required per dwelling unit. Off-street parking shall not exceed 75% of the required front yard width or area.	
Minimum Livability Space:	3,000 SF ***	
Minimum Yard Setbacks:		
Front Yard:	20 FT	
Rear Yard:	15 FT	
Side Yard (Interior):	5 FT	
Side Yard Abutting a Street:	15 FT	
Garage Facing Side Yard Street:	20 FT	
Other Bulk and Area Requirements:	As required within the RS-3 District	
Minimum Dwelling Size:	1,500 SF	
First Floor Exterior Materials:	75% masonry ****	

* Minimum land area per dwelling unit is satisfied by the proportion of maximum number of lots to gross land area as provided in Zoning Code Section 11-7I-5.A.1. Lots are therefore not subject to this requirement on an individual basis.

** Architectural features may extend a max. of five (5) feet above maximum permitted building height.

*** Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.

**** Masonry shall include brick, natural or manufactured stone, and stucco. Cementitious fiber is an approved alternative. Masonry shall be applied to a minimum of three (3) building sides. Minimum masonry percentages shall exclude windows, doors, and beneath covered patios and porches.

† Defined as the average horizontal distance between the side lot lines, which is as it is presently defined in the Bixby Zoning Code.

III.C. DEVELOPMENT AREA C:

Gross Land Area:	894,838 SF	20.543 AC
Net Land Area:	894,838 SF	20.543 AC
Permitted Uses: Use Unit 6 single-family dwellings on individual lots and within a cottage house community† and customary accessory uses; Use Unit 5 common area facilities such as neighborhood park, playground, and recreational open space.		
Maximum Number of Dwelling Units:	162	
Minimum Lot Width:	600 FT	
Minimum Lot Size:	20 AC	
Minimum Land Area per Dwelling Unit:	8,400 SF *	
Maximum Building Height:	2 Stories and 35 FT **	
Off-street Parking and Yard Coverage:	Minimum two (2) enclosed or unenclosed off-street parking spaces required per dwelling unit. Off-street parking shall not exceed 75% of the required front yard width or area.	
Minimum Livability Space:	1,000 SF ***	
Minimum Building Setbacks:		
From 161 st Street South:	25 FT	
From Development Area A:	15 FT	
From Development Area B:	11 FT	
Other Bulk and Area Requirements:	As required within the RS-3 District	
First Floor Exterior Materials:	75% masonry ****	

* Minimum land area per dwelling unit is satisfied by the proportion of maximum number of lots to gross land area as provided in Zoning Code Section 11-7I-5.A.1. Lots are therefore not subject to this requirement on an individual basis.

** Architectural features may extend a max. of five (5) feet above maximum permitted building height.

*** Livability space may be located on a lot or contained within common open space of the development, as per Section 11-7I-5.C of the Bixby Zoning Code.

**** Masonry shall include brick, natural or manufactured stone, and stucco. Cementitious fiber is an approved alternative. Masonry shall be applied to a minimum of three (3) building sides. Minimum masonry percentages shall exclude windows, doors, and beneath covered patios and porches.

† See Section III.D. Cottage House Community Supplemental Development Standards.

III.D. COTTAGE HOUSE COMMUNITY SUPPLEMENTAL DEVELOPMENT STANDARDS:

Since the "cottage house community" is a novel land use not presently contemplated by the Bixby Zoning Code, this PUD will define and outline development standards for it. As used within this PUD, a cottage house community is a lower-density alternative to traditional apartment living, consisting primarily of detached dwellings, each with their own dedicated parking spaces and yard areas, with all dwellings located on a singular lot of record. While intended for lease by residents, the cottage house development will also allow for unit ownership in accordance with the Unit Ownership Estate Act (Title 60 O.S. Section 501 et seq.) or may be subdivided into lots upon the establishment of specific lot area, lot width, frontage, yard, and other bulk and area standards by amendment to this PUD.

The following development standards shall apply to the cottage house community:

- Cottage house community shall be gated, with gate designs approved by the Fire Marshal
- Cottage house community shall have access to large reserve area within Development Area B
- Not less than 15% of the cottage house community shall be community amenity or courtyard areas
- Courtyard areas shall be a minimum of 30 FT in width and located between rows of dwellings
- No more than three (3) dwelling units may be attached
- No more than 25% of total dwelling units may be attached
- Individual cottage homes shall employ variations in unit types, floor plans, architectural styles, colors, and/or other design features to avoid repetition from the perspective of the private streets
- Unattached dwelling units shall maintain not less than 10 FT of separation from all other units
- At least two (2) off-street parking spaces are required per unit, onsite or in shared parking areas

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

IV.A. SURROUNDING ZONING AND LAND USE: The site is presently zoned AG and is vacant/agricultural. To facilitate this PUD, a companion rezoning application (BXZO-21.18) is proposed to rezone the site from AG to CG Commercial General District and RS-3 Single-Family Residential District. Zoning near the major street intersection is primarily CS, CG, IL, and AG, but the nonresidential tracts are primarily vacant as of now. To the north, northeast, and east, most of the land is zoned RS-3 within PUDs. To the southeast are two (2) manufactured home parks zoned RMH. West and south of the site are agricultural tracts zoned AG. Existing zoning patterns are represented on Exhibit G of this PUD.

IV.B. ACCESS AND CIRCULATION: As designed, the development will have several points of access to East 161st Street South and South Memorial Drive. Where required, additional rights-of-way will be dedicated for the Arterial Street frontages in accordance with the Subdivision Regulations. All other streets within the subdivision will be local, minor residential streets.

Streets serving 161st & Memorial are proposed to be public, with the exception of the gated cottage house community, which will be served by private streets. However, the single-family residential development within Development Area B will have the option of private, gated streets, per this PUD. Whether public or private, streets shall be constructed to meet the minimum standards of the City of Bixby for minor public streets; provided, however, the City of Bixby may approve alternative street design standards through platting including, but not limited to, private, gated streets with reduced right-of-way width and no sidewalks, or sidewalks on one side of the street. Any divided, boulevard streets separated by private landscaped islands may have one-way lanes meeting right-of-way width requirements in aggregate and shall otherwise be constructed to meet the minimum standards determined by the City of Bixby during the platting stage. Any gates serving private streets or drives shall be designed according to the Fire Code adopted by the City of Bixby and be approved by the Bixby Fire Marshal during the platting stage.

Except as otherwise provided in this PUD, sidewalks, including both internal and along exterior street frontages, shall be constructed by the developer or individual lot owners in accordance with the Bixby Subdivision Regulations. Sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer. Sidewalks which are proposed outside of public right-of-way shall be placed in a public sidewalk easement.

Limits of No Access (LNA) will be imposed by the future plat along both the South Memorial Drive and East 161st Street South frontages, except at approved street intersection(s).

IV.C. SIGNS: Residential subdivision entrance signage shall be permitted along the arterial street frontage and shall comply with standards for same as provided in the Bixby Zoning Code. Entry signage will be integrated with the landscaped entries and contained within Reserve Areas or easements to be maintained by the Homeowners' Association. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Residential signage shall otherwise comply and all commercial signage shall comply with the Bixby Zoning Code.

IV.D. UTILITIES AND DRAINAGE: Twelve-inch (12") waterlines are located on the east side of South Memorial Drive and north side of East 161st Street South, and cross to the southwest corner of the intersection. Waterlines will be extended to serve the site. Waterlines shall be looped to provide water

service and fire protection. Fire hydrant locations shall be coordinated with and approved by the Bixby Fire Marshal during platting.

A 21" sanitary sewerline is located within the site along the East 161st Street South frontage. Sanitary sewer service will be extended throughout the site.

A large stormwater detention and drainage facility is conceptually planned along the west, south, and part of the southeast sides of the development, as reflected on Exhibit C of this PUD. This facility will drain to the Bixby Creek tributary along the west side of the site. Drainage and stormsewer are in design and are subject to the approval of Bixby City Staff.

Existing and proposed utilities are shown on Exhibit C of this PUD.

IV.E. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY: The subject property is moderately sloped and primarily drains to the northwest to a tributary of Posey Creek.

As represented on Exhibit E "FEMA Floodplain Map," approximately half of the property is located within the Zone AE 100-year (1% Annual Chance) Regulatory Floodplain and the other half within Shaded Zone X 500-year (0.2% Annual Chance) Floodplain. Development must be designed and permitted in accordance with both FEMA and the City of Bixby Floodplain Regulations, including the FEMA Letter Of Map Revision based on Fill (LOMR-F) process.

The Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. The site contains Choska Very Fine Sandy Loam, 0-1% slopes and Latanier Clay, 0-1% slopes. Development constraints associated with this soil type, and any other environmental constraint(s), will be addressed in the engineering design phase of the project. Similar soils have been encountered in the immediate area. If required prior to construction, however, a new geotechnical report will be performed to recommend paving sections and subgrade design. Soil types and topography are shown on Exhibit D of this PUD.

IV.F. PLATTING AND SITE PLAN REQUIREMENTS: No building permit shall be issued until a subdivision plat has been submitted to and recommended upon by the Bixby Planning Commission and approved by the Council of the City of Bixby, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved PUD and the City of Bixby shall be a beneficiary thereof. Within Development Areas B and C, the plat will also serve as the site plan for all residential lots and dwelling units contained within the plat.

No building permit shall be issued within Development Area A until a site plan has been submitted to and approved by the City of Bixby staff as being in compliance with this PUD.

When fully platted, not less than 18 acres of 161st & Memorial shall be preserved as open space for the enjoyment of the residents.

IV.G. CITY DEPARTMENT REQUIREMENTS: Standard requirements of the City of Bixby Fire Marshal, City Engineer, and City Attorney shall be met.

IV.H. SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence and be phased and completed as market conditions permit.

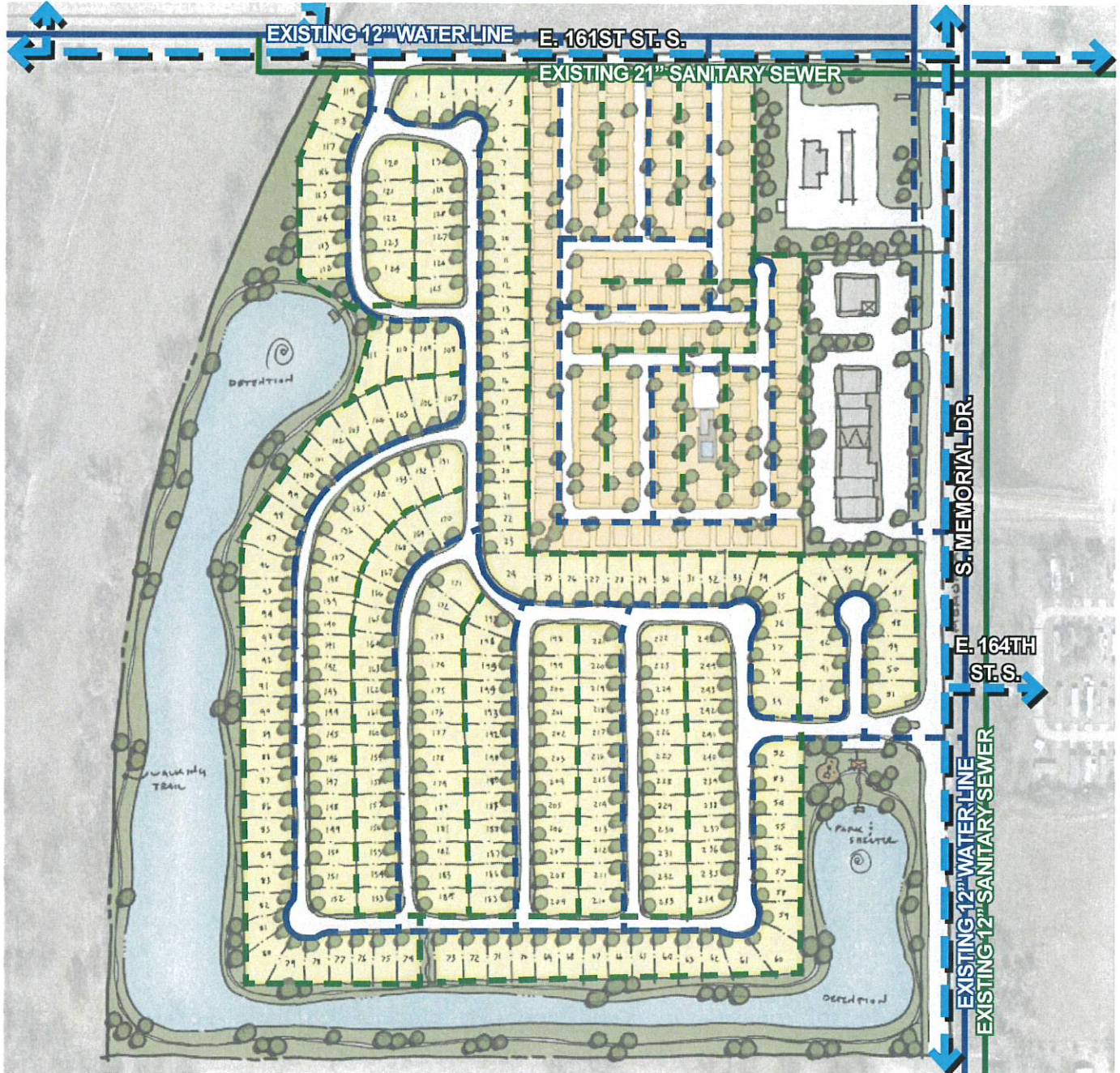
161st & Memorial

EXHIBIT C

EXISTING AND PROPOSED UTILITIES

CONCEPTUAL LAYOUT SHOWN AS OF AUGUST 4, 2021

EXISTING UTILITIES PER CITY OF BIXBY ATLAS AND FIELD SURVEY DATA



LEGEND

- EXISTING WATER LINE
- EXISTING SANITARY SEWER
- - - - PROPOSED WATER SERVICE SYSTEM
- - - - PROPOSED SANITARY SEWER SYSTEM

14

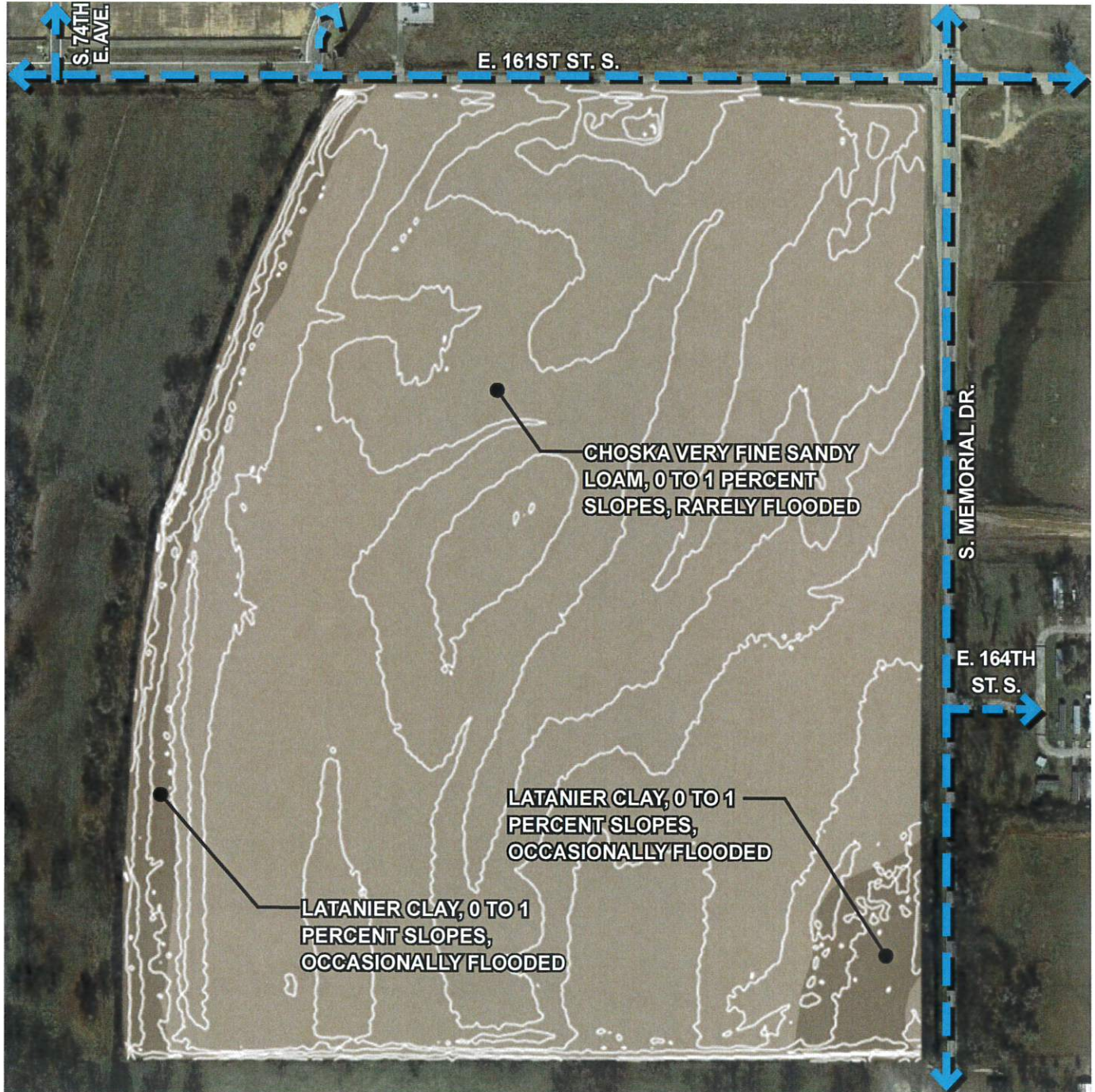


161st & Memorial

EXHIBIT D

EXISTING TOPOGRAPHY AND SOILS

SOIL DATA FROM USDA WEB SOIL SURVEY, ACCESSED JULY 2, 2021
TOPOGRAPHIC DATA FROM INCOG GIS AND IS APPROXIMATE ONLY



161st & Memorial

EXHIBIT E

FEMA FLOODPLAIN MAP

FLOODPLAIN DATA REFLECTS FEMA FIRM PANEL NO. 40143C0445L,
EFFECTIVE 10/16/2012

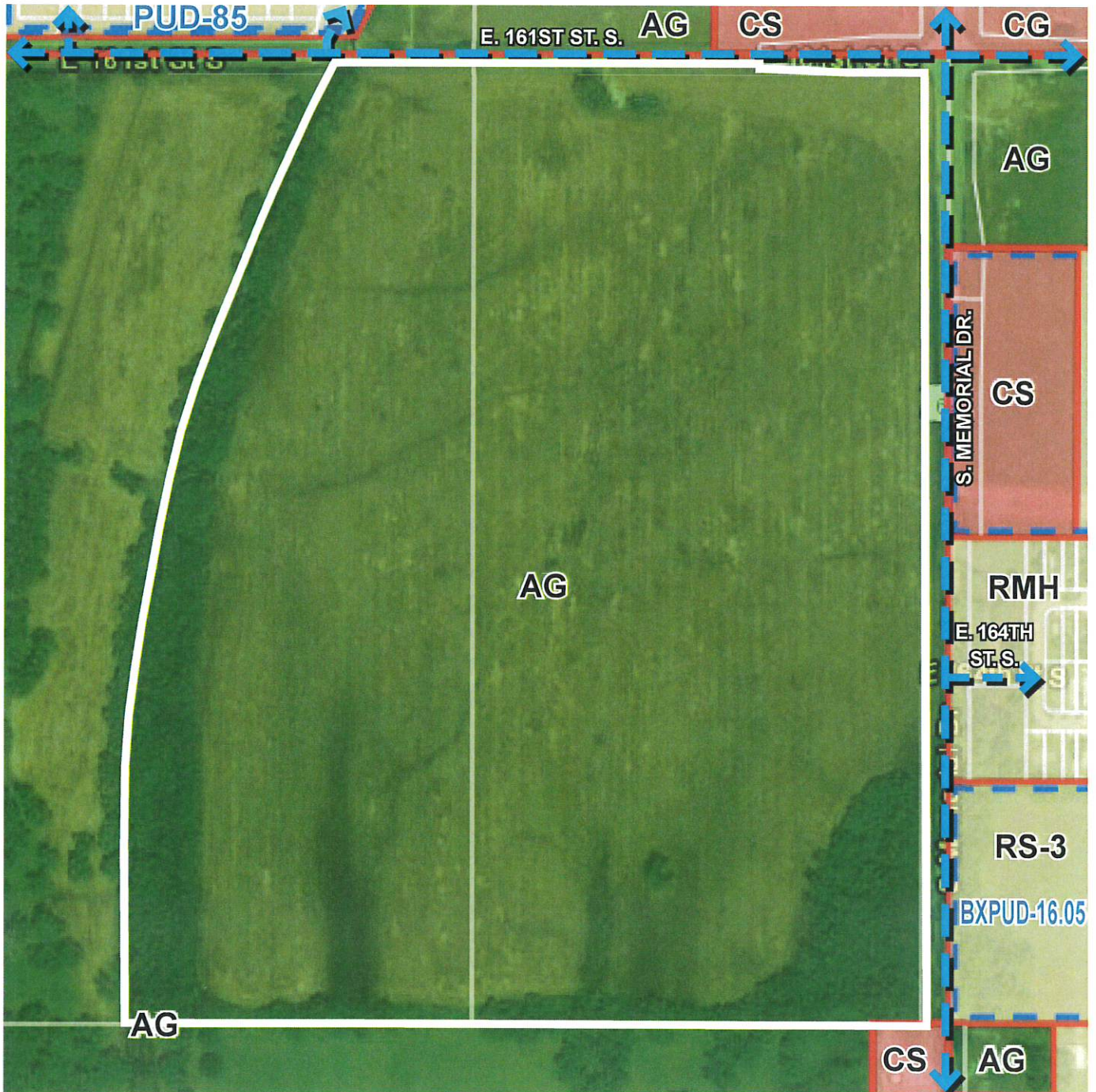


161st & Memorial

EXHIBIT F

EXISTING ZONING MAP

DATA OBTAINED FROM INCOG GIS, ACCESSED JULY 2, 2021

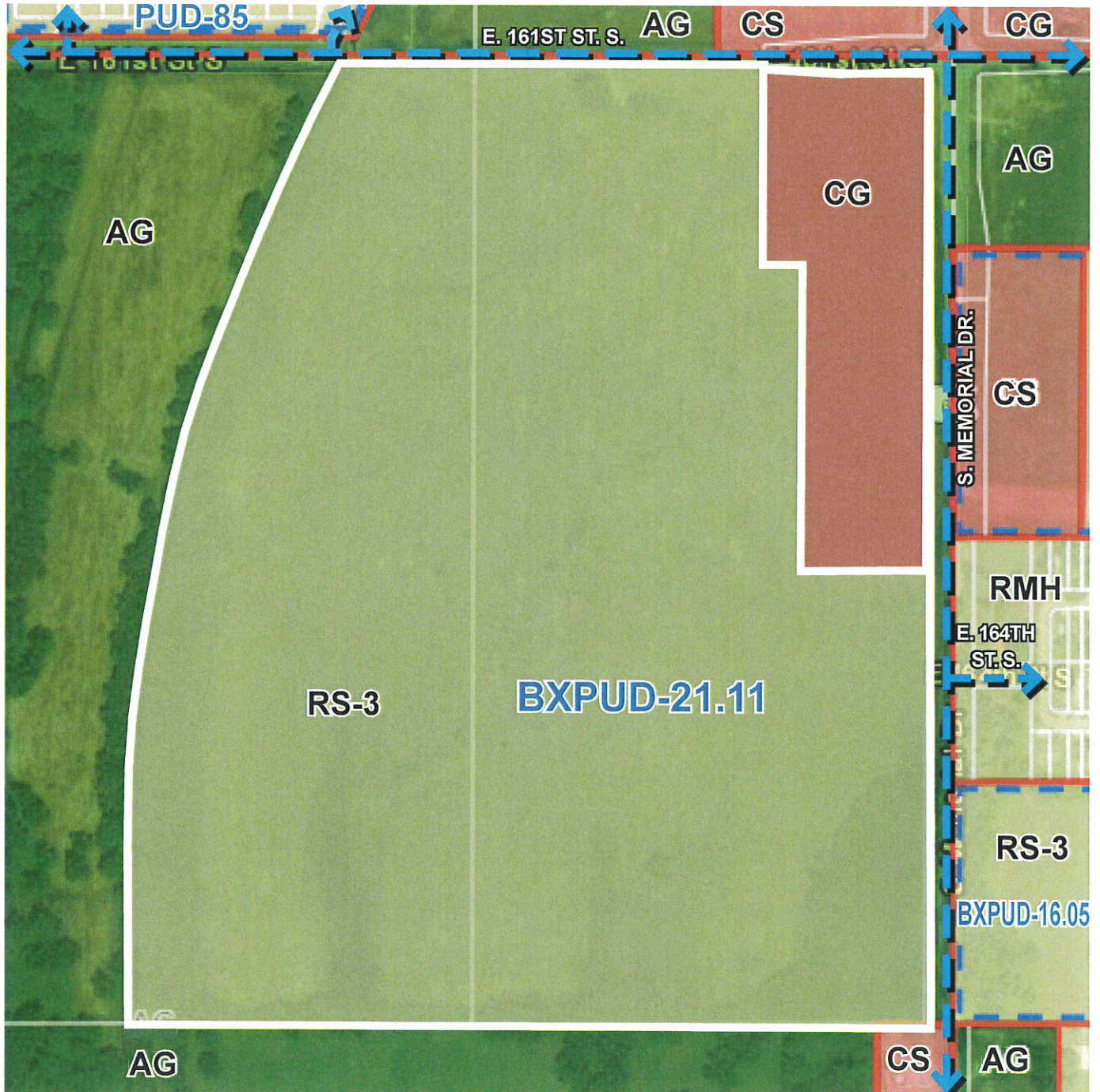


161st & Memorial

EXHIBIT G

PROPOSED ZONING MAP

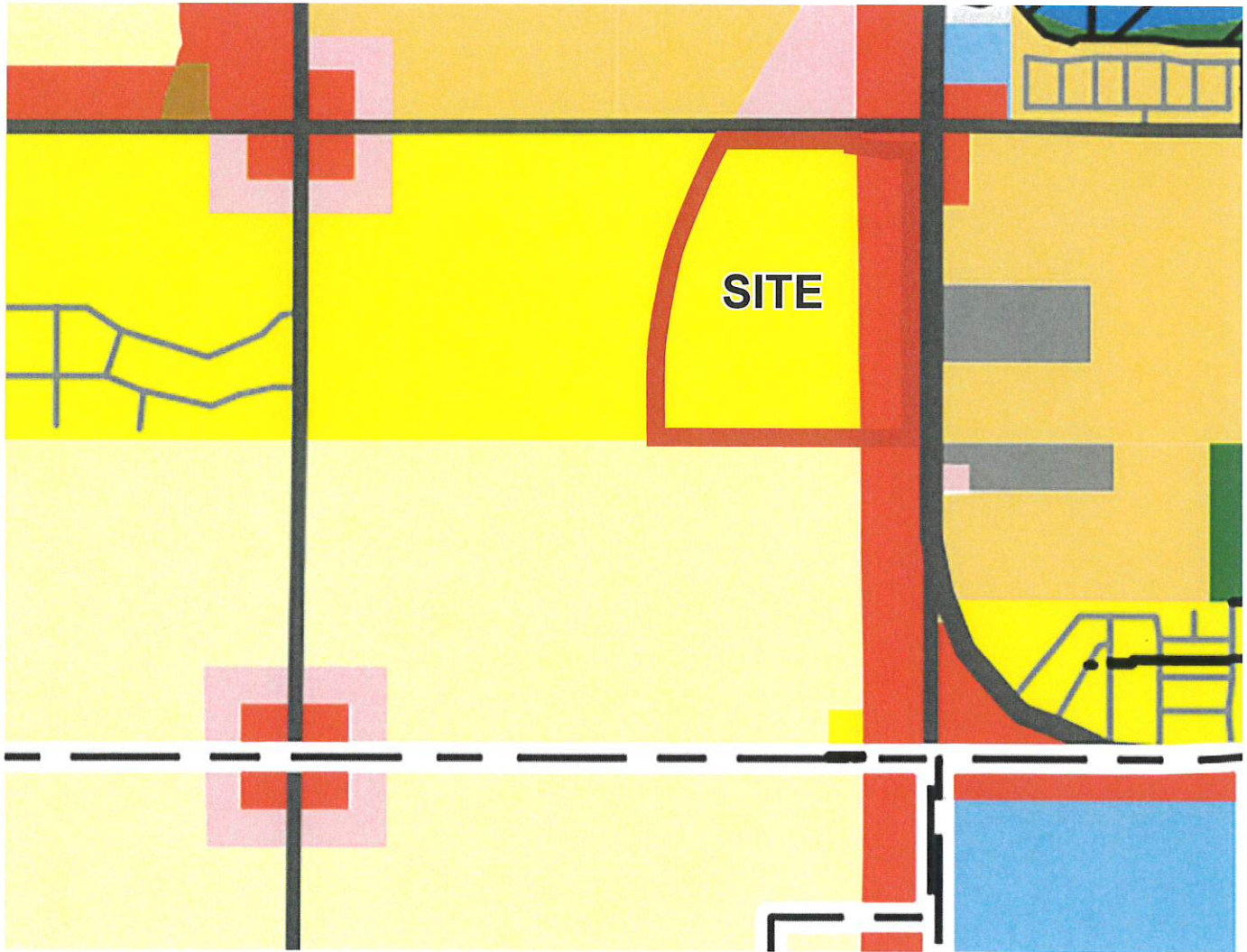
DATA OBTAINED FROM INCOG GIS, ACCESSED JULY 2, 2021 & MODIFIED



161st & Memorial

EXHIBIT H

COMPREHENSIVE PLAN MAP CITY OF BIXBY 2018 COMPREHENSIVE PLAN



Legend

Future Land Use

- Rural Agriculture (Unincorporated)
- Agricultural
- Rural Residential
- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Mixed Use
- Residential Manufactured Home Park

Density (du/ac.)

- 0 - 0.5
- 0 - 1
- 0 - 1.5
- 1.5 - 4
- 4 - 6
- 6 - 10
- 10 +
- 10 +
- 8

Future Land Use

- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District
- Water

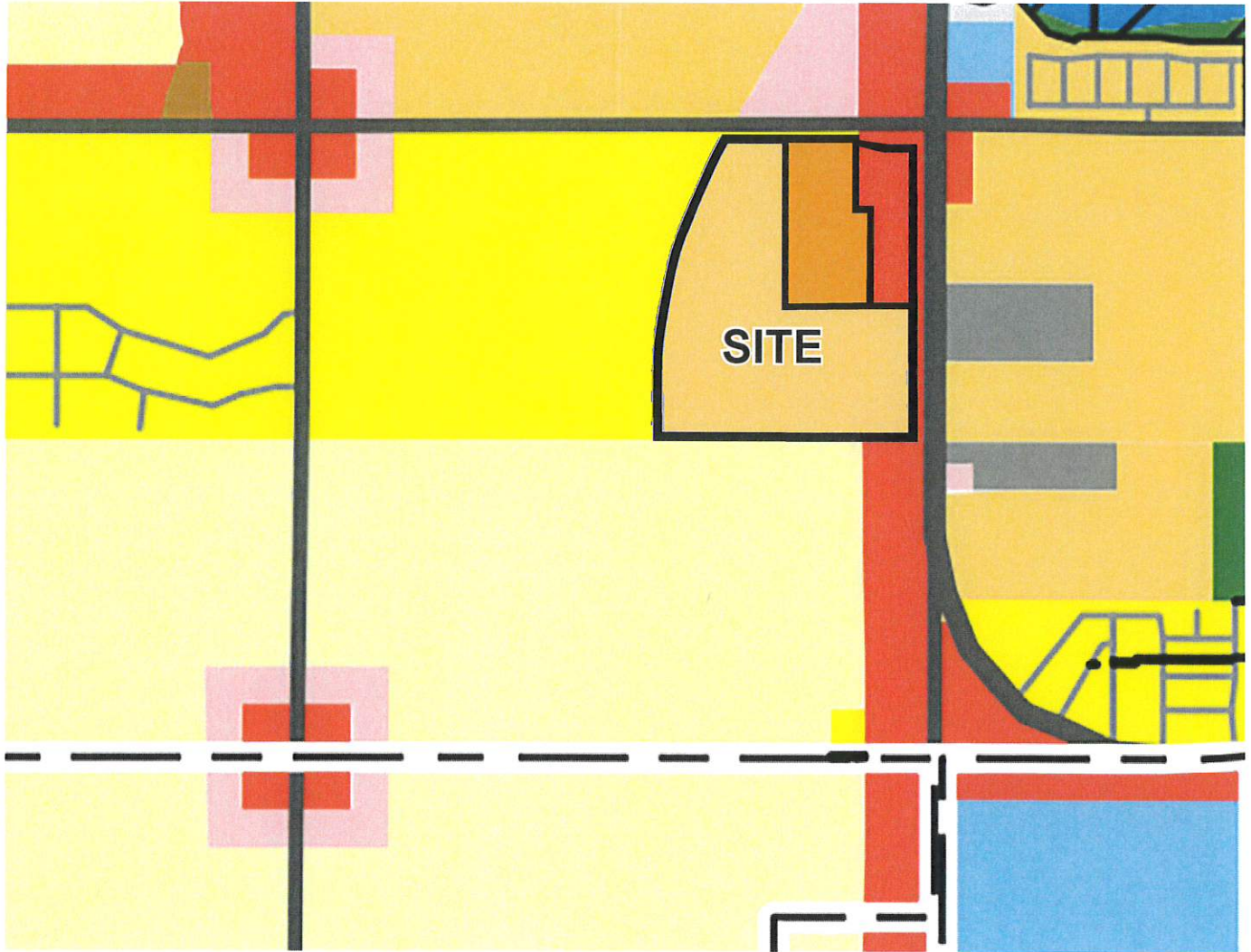
- City Owned Parcels
- Bixby Fenceline
- Bixby City Limit
- County
- Highway
- Major Street
- Local Street
- Railroad

- Water Body
- Stream / River

161st & Memorial

EXHIBIT I

PROPOSED COMPREHENSIVE PLAN MAP
CITY OF BIXBY 2018 COMPREHENSIVE PLAN, MODIFIED



Legend

Future Land Use

- Rural Agriculture (Unincorporated)
- Agricultural
- Rural Residential
- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Mixed Use
- Residential Manufactured Home Park

Density (du/ac.)

- 0 - 0.5
- 0 - 1
- 0 - 1.5
- 1.5 - 4
- 4 - 6
- 6 - 10
- 10 +
- 10 +
- 8

Future Land Use

- Neighborhood Commercial
- Commercial
- Industrial
- Public/Institutional
- Recreation and Open Space
- Flood District
- Water

- City Owned Parcels
- Bixby Fenceline
- Bixby City Limit
- County
- Highway
- Major Street
- Local Street
- Railroad

- Water Body
- Stream / River

ORDINANCE NO. 2365

AN ORDINANCE AMENDING ORDINANCE NUMBER 2267; A MAJOR AMENDMENT TO THE 2030 FUTURE LAND USE MAP IN THE 2018 COMPREHENSIVE PLAN, "BIXBY 2030, OUR VISION, OUR FUTURE", FOR 151 BIXBY, LLC PROPERTY, CONTAINING 122.18 ACRES, MORE OR LESS, IN SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; REMOVING THE "LOW DENSITY RESIDENTIAL" AND "COMMERCIAL" DESIGNATIONS AND AMENDING TO "MEDIUM DENSITY RESIDENTIAL", "MEDIUM-HIGH DENSITY RESIDENTIAL", AND "COMMERCIAL" DESIGNATIONS, (BXCP-21.12); 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:

Section 1. That Ordinance No. 2267 and the Future Land Use Map in the 2018 Comprehensive Plan for the following described real property, to-wit:

OVERALL SUBJECT PROPERTY

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°36'36" WEST AND CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 2173.07 FEET; THENCE NORTH 1°57'28" WEST FOR A DISTANCE OF 485.00 FEET; THENCE NORTH 1°53'18" EAST FOR A DISTANCE OF 537.00 FEET; THENCE NORTH 6°47'18" EAST FOR A DISTANCE OF 435.00 FEET; THENCE NORTH 18°32'19" EAST FOR A DISTANCE OF 760.00 FEET; THENCE NORTH 24°56'19" EAST FOR A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE

OF 1150.00 FEET; THENCE SOUTH 1°35'16" EAST FOR A DISTANCE OF 24.75 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 161ST STREET SOUTH; THENCE SOUTH 87°09'19" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.99 FEET; THENCE NORTH 88°34'51" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 124.47 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG THE WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 2588.16 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 5,322,178 SQUARE FEET OR 122.180 ACRES.

Located at the southwest corner of East 161st Street South and South Memorial Drive, Bixby, Oklahoma, be and the same is now redesignated from "Low Density Residential" and "Commercial" to "Medium Density Residential", Medium-High Density Residential" and "Commercial" as follows:

TO "COMMERCIAL";

Contains 10.844 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, THENCE NORTH 1°11'06" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°35'21" WEST, FOR A DISTANCE OF 317.61 FEET; THENCE NORTH 1°24'39" WEST, FOR A DISTANCE OF 791.90 FEET; THENCE SOUTH 88°48'54" WEST, FOR A DISTANCE OF 130.00 FEET; THENCE NORTH 1°24'08" WEST, FOR A DISTANCE OF 505.25 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 161ST STREET SOUTH; THENCE SOUTH 87°09'19" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.99 FEET; THENCE NORTH 88°34'51" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 124.47 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG THE WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1273.28 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 474,118 SQUARE FEET OR 10.844 ACRES.

TO "MEDIUM DENSITY RESIDENTIAL":

Contains 90.753 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°36'36" WEST AND CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 2173.07 FEET; THENCE NORTH 1°57'28" WEST FOR A DISTANCE OF 485.00 FEET; THENCE NORTH 1°53'18" EAST FOR A DISTANCE OF 537.00 FEET; THENCE NORTH 6°47'18" EAST FOR A DISTANCE OF 435.00 FEET; THENCE NORTH 18°32'19" EAST FOR A DISTANCE OF 760.00 FEET; THENCE NORTH 24°56'19" EAST FOR A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 550.00 FEET; THENCE SOUTH 1°24'39" EAST, FOR A DISTANCE OF 1318.00 FEET; THENCE NORTH 88°56'08" EAST, FOR A DISTANCE OF 730.01 FEET; THENCE NORTH 88°35'21" EAST, FOR A DISTANCE OF 317.61 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET; TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 3,953,205 SQUARE FEET OR 90.753 ACRES.

TO "MEDIUM-HIGH DENSITY RESIDENTIAL":

Contains 20.543 acres and is more particularly described with the following statement:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, THENCE NORTH 1°11'06" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET; THENCE SOUTH 88°35'21" WEST, FOR A DISTANCE OF 317.61 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°56'08" WEST, FOR A DISTANCE OF 730.01 FEET; THENCE NORTH 1°24'39" WEST, FOR A DISTANCE OF 1318.00 FEET TO THE NORTH LINE OF THE NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 600.00 FEET; THENCE SOUTH 1°35'16" EAST, FOR A DISTANCE OF 24.75 FEET; THENCE SOUTH 1°24'08" EAST, FOR A DISTANCE OF 505.25 FEET; THENCE NORTH 88°48'54" EAST, FOR A DISTANCE OF 130.00 FEET; THENCE SOUTH 1°24'39" EAST, FOR A DISTANCE OF 791.90 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 894,838 SQUARE FEET OR 20.543 ACRES.

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 _____ day of _____, 2021.

Brian Guthrie
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 ____ day of _____, 2021.

Brian Guthrie
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

Yvonne Adams
City Clerk

APPROVED:

Phil Frazier
City Attorney

ORDINANCE No. 2366

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM AG (AGRICULTURE) TO CG (COMMERCIAL GENERAL) AND RS-3 (RESIDENTIAL SINGLE-FAMILY) CLASSIFICATION (BXZO-21.18) AND SUPPLEMENTAL PLANNED UNIT DEVELOPMENT ZONING (BXPUD-21.11) FOR 161ST AND MEMORIAL; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

Section 1. That Ordinance No. 272 be and the same is now amended for the following described property, to-wit:

TO "COMMERCIAL GENERAL (CG)":

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, THENCE NORTH 1°11'06" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°35'21" WEST, FOR A DISTANCE OF 317.61 FEET; THENCE NORTH 1°24'39" WEST, FOR A DISTANCE OF 791.90 FEET; THENCE SOUTH 88°48'54" WEST, FOR A DISTANCE OF 130.00 FEET; THENCE NORTH 1°24'08" WEST, FOR A DISTANCE OF 505.25 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 161ST STREET SOUTH; THENCE SOUTH 87°09'19" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.99 FEET; THENCE NORTH 88°34'51" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 124.47 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG THE WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1273.28 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 474,118 SQUARE FEET OR 10.844 ACRES.

TO "SINGLE-FAMILY RESIDENTIAL (RS-3)":

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4; THENCE SOUTH 88°36'36" WEST AND ALONG THE SOUTH LINE OF THE NE/4, FOR A DISTANCE OF 72.18 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°36'36" WEST AND CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 2173.07 FEET; THENCE NORTH 1°57'28" WEST FOR A DISTANCE OF 485.00 FEET; THENCE NORTH 1°53'18" EAST FOR A DISTANCE OF 537.00 FEET; THENCE NORTH 6°47'18" EAST FOR A DISTANCE OF 435.00 FEET; THENCE NORTH 18°32'19" EAST FOR A DISTANCE OF 760.00 FEET; THENCE NORTH 24°56'19" EAST FOR A DISTANCE OF 525.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4; THENCE NORTH 88°35'21" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 1150.00 FEET; THENCE SOUTH 1°35'16" EAST, FOR A DISTANCE OF 24.75 FEET; THENCE SOUTH 1°24'08" EAST, FOR A DISTANCE OF 505.25 FEET; THENCE NORTH 88°48'54" EAST, FOR A DISTANCE OF 130.00 FEET; THENCE SOUTH 1°24'39" EAST, FOR A DISTANCE OF 791.90 FEET; THENCE NORTH 88°35'21" EAST, FOR A DISTANCE OF 317.61 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH MEMORIAL DRIVE; THENCE SOUTH 1°11'06" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE NE/4, FOR A DISTANCE OF 1314.88 FEET; TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 4,848,054 SQUARE FEET OR 111.296 ACRES.

Located at the southwest corner of East 161st Street and South Memorial Drive, Bixby, Oklahoma, BXZO-21.18 and BXPUD-21.11, be and the same is now rezoned from AG (Agriculture) to CG (Commercial General) and RS-3 (Residential Single-Family) classification with supplemental Planned Unit Development zoning.

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.

Mayor of the City of Bixby, Oklahoma

Mayor of the City of Bixby, Oklahoma

City Clerk

City Attorney

REGULAR AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on awarding contract to Grade Line Construction for the Needles Storm Sewer Phase II; Grade Line Construction submitted the lowest and best bid of \$251,184.00

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This project is located along the north side of Needles between Montgomery and Stanley. The project will install RCB storm sewer and sidewalk. This is a CDBG project, with \$198,501.71 coming from the Tulsa County Urban County Community Development Block Grant.

Seven contractors submitted bids. One contractor failed to acknowledge all addendums and was disqualified.

Grade Line Construction, LLC submitted the **lowest and best bid** at \$251,184.00

EXHIBITS: Bid tabulation

KEY ISSUE: Contract Award

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-2021

MEETING: Council

Project: Needles Storm Sewer Improvement Ph. II
City Project No.: SD29-1802
Bid Date: 08/31/2021 at 2:00 P.M.
Date: 9/3/2021

				ENGINEER'S ESTIMATE		Grade Line Construction, LLC P.O. Box 450 Cleveland, OK 74020 SAM Registered		R.L. Hensley Construction, Inc. 9811 East 46th Place Tulsa, OK 74146 SAM Registered		Diversified Civil Contractors, LLC 7848 South Elm Place Broken Arrow, OK 74011 SAM Registered		Paragon Contractors 2108 North 129th East Avenue Tulsa, OK 74116 SAM Registered		Triangle Construction & Utility 2241 South 49th West Avenue Tulsa, OK 74107 SAM Registered		Stronghand, LLC 1111 North 4th Street Bristow, OK 74012 SAM Registered		Circle B Underground, LLC P.O. Box 868 Bristow, OK 74010 Did not acknowledge Addendum 4; Bid disqualified	
Item No.	Item	Qty.	Bid Unit	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price	Bid Unit Price
Base Bid - Schedule I - Phase II Needles Storm Sewer Improvements Project																			
1	CLEARING AND GRUBBING	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	\$ 8,000.00	\$ 8,000.00	\$ 5,750.00	\$ 5,750.00	\$ 30,000.00	\$ 30,000.00	\$ 2,142.13	\$ 2,142.13	\$ 10,300.00	\$ 10,300.00
2	UNCLASSIFIED EXCAVATION	38	CY	\$ 75.00	\$ 2,850.00	\$ 25.00	\$ 950.00	\$ 45.00	\$ 1,710.00	\$ 65.00	\$ 2,470.00	\$ 43.50	\$ 1,653.00	\$ 30.00	\$ 1,140.00	\$ 130.15	\$ 4,945.70	\$ 61.80	\$ 2,348.40
3	EROSION CONTROL	1	LS	\$ 1,400.00	\$ 1,400.00	\$ 500.00	\$ 500.00	\$ 750.00	\$ 750.00	\$ 800.00	\$ 800.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,338.43	\$ 1,338.43	\$ 4,120.00	\$ 4,120.00
4	STAKING	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,150.00	\$ 2,150.00	\$ 3,000.00	\$ 3,000.00	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,000.00	\$ 2,094.75	\$ 2,094.75	\$ 5,665.00	\$ 5,665.00
5	SOLID SLAB SODDING	285	SY	\$ 3.00	\$ 855.00	\$ 5.00	\$ 1,425.00	\$ 10.00	\$ 2,850.00	\$ 6.00	\$ 1,710.00	\$ 6.50	\$ 1,852.50	\$ 9.00	\$ 2,565.00	\$ 11.69	\$ 3,331.65	\$ 16.38	\$ 4,668.30
6	COMBINED CURB AND GUTTER (6" BARRIER)	100	LF	\$ 35.00	\$ 3,500.00	\$ 30.00	\$ 3,000.00	\$ 70.00	\$ 7,000.00	\$ 28.00	\$ 2,800.00	\$ 40.00	\$ 4,000.00	\$ 45.00	\$ 4,500.00	\$ 32.95	\$ 3,295.00	\$ 185.40	\$ 18,540.00
7	CONCRETE DRIVEWAY	78	SY	\$ 75.00	\$ 5,850.00	\$ 70.00	\$ 5,460.00	\$ 115.00	\$ 8,970.00	\$ 75.00	\$ 5,850.00	\$ 75.00	\$ 5,850.00	\$ 80.00	\$ 6,240.00	\$ 102.38	\$ 7,985.64	\$ 247.20	\$ 19,281.60
8	MODIFIED JUNCTION BOX W/ NOTCHED OPENING, COMPLETE IN PLACE	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 5,600.00	\$ 5,600.00	\$ 7,600.00	\$ 7,600.00	\$ 11,500.00	\$ 11,500.00	\$ 10,000.00	\$ 10,000.00	\$ 6,500.00	\$ 6,500.00	\$ 16,064.93	\$ 16,064.93	\$ 18,066.18	\$ 18,066.18
9	RESET DOMESTIC WATER SERVICE, COMPLETE IN PLACE	6	EA	\$ 2,000.00	\$ 12,000.00	\$ 800.00	\$ 4,800.00	\$ 1,600.00	\$ 9,600.00	\$ 900.00	\$ 5,400.00	\$ 1,000.00	\$ 6,000.00	\$ 400.00	\$ 2,400.00	\$ 1,891.97	\$ 11,351.82	\$ 1,161.42	\$ 6,968.52
10	4'x3' RCB, COMPLETE IN PLACE	364	LF	\$ 350.00	\$ 127,400.00	\$ 330.00	\$ 120,120.00	\$ 390.00	\$ 141,960.00	\$ 460.00	\$ 167,440.00	\$ 425.00	\$ 154,700.00	\$ 450.00	\$ 163,800.00	\$ 494.25	\$ 179,907.00	\$ 767.24	\$ 279,275.36
11	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 7,000.00	\$ 7,000.00	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00	\$ 4,813.42	\$ 4,813.42	\$ 10,300.00	\$ 10,300.00
12	REMOVAL OF CONCRETE CURB AND GUTTER	19	LF	\$ 20.00	\$ 380.00	\$ 20.00	\$ 380.00	\$ 25.00	\$ 475.00	\$ 12.00	\$ 228.00	\$ 14.00	\$ 266.00	\$ 15.00	\$ 285.00	\$ 32.60	\$ 619.40	\$ 77.25	\$ 1,467.75
13	REMOVAL OF CONCRETE SIDEWALK	151	SY	\$ 15.00	\$ 2,265.00	\$ 15.00	\$ 2,265.00	\$ 13.00	\$ 1,963.00	\$ 11.00	\$ 1,661.00	\$ 10.50	\$ 1,585.50	\$ 15.00	\$ 2,265.00	\$ 16.82	\$ 2,539.82	\$ 51.50	\$ 7,776.50
14	REMOVAL OF DRIVEWAY	78	SY	\$ 20.00	\$ 1,560.00	\$ 15.00	\$ 1,170.00	\$ 35.00	\$ 2,730.00	\$ 16.00	\$ 1,248.00	\$ 19.00	\$ 1,482.00	\$ 15.00	\$ 1,170.00	\$ 40.47	\$ 3,156.66	\$ 51.50	\$ 4,017.00
15	REMOVAL OF CONCRETE / ASPHALT PAVING	80	SY	\$ 20.00	\$ 1,600.00	\$ 18.00	\$ 1,440.00	\$ 35.00	\$ 2,800.00	\$ 20.00	\$ 1,400.00	\$ 24.00	\$ 1,920.00	\$ 15.00	\$ 1,200.00	\$ 39.46	\$ 3,156.80	\$ 51.50	\$ 4,120.00
16	MOBILIZATION	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 8,500.00	\$ 8,500.00	\$ 8,000.00	\$ 8,000.00	\$ 15,500.00	\$ 15,500.00	\$ 35,000.00	\$ 35,000.00	\$ 65,194.59	\$ 65,194.59	\$ 8,755.00	\$ 8,755.00
17	TRAFFIC CONTROL	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 2,340.00	\$ 2,340.00	\$ 1,250.00	\$ 1,250.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 7,000.00	\$ 7,000.00	\$ 4,547.81	\$ 4,547.81	\$ 15,450.00	\$ 15,450.00
18	TYPE I AC PATCH	68	SY	\$ 80.00	\$ 5,440.00	\$ 88.00	\$ 5,984.00	\$ 100.00	\$ 6,800.00	\$ 175.00	\$ 11,900.00	\$ 180.00	\$ 12,240.00	\$ 140.00	\$ 9,520.00	\$ 191.94	\$ 13,051.92	\$ 185.40	\$ 12,607.20
19	QUICK SET FLOWABLE FILL	10	CY	\$ 140.00	\$ 1,400.00	\$ 110.00	\$ 1,100.00	\$ 135.00	\$ 1,350.00	\$ 125.00	\$ 1,250.00	\$ 138.00	\$ 1,380.00	\$ 250.00	\$ 2,500.00	\$ 148.68	\$ 1,486.80	\$ 222.48	\$ 2,224.80
20	INSTALL EX. WATERLINE THROUGH RCB, COMPLETE IN PLACE	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 4,350.00	\$ 4,350.00	\$ 800.00	\$ 800.00	\$ 2,800.00	\$ 2,800.00	\$ 12,000.00	\$ 12,000.00	\$ 3,064.40	\$ 3,064.40	\$ 11,033.73	\$ 11,033.73
21	16" STEEL CASING (3/8" MIN. WALL THICKNESS)	10	LF	\$ 115.00	\$ 1,150.00	\$ 100.00	\$ 1,000.00	\$ 125.00	\$ 1,250.00	\$ 100.00	\$ 1,000.00	\$ 235.00	\$ 2,350.00	\$ 250.00	\$ 2,500.00	\$ 277.31	\$ 2,773.10	\$ 300.92	\$ 3,009.20
22	REPLACE EX. FENCE LIKE KIND	70	LF	\$ 50.00	\$ 3,500.00	\$ 45.00	\$ 3,150.00	\$ 50.00	\$ 3,500.00	\$ 67.00	\$ 4,690.00	\$ 150.00	\$ 10,500.00	\$ 70.00	\$ 4,900.00	\$ 75.63	\$ 5,294.10	\$ 123.60	\$ 8,652.00
23	ALLOWANCE	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
Total Base Bid - Schedule I				\$ 253,650.00		\$ 251,184.00		\$ 269,558.00		\$ 304,347.00		\$ 317,329.00		\$ 364,985.00		\$ 392,155.87		\$ 508,646.54	
Add Alternate - Schedule I - Sidewalk																			
24	4" CONCRETE SIDEWALK	140	SY	\$ 75.00	\$ 10,500.00	\$ 46.00	\$ 6,440.00	\$ 70.00	\$ 9,800.00	\$ 44.00	\$ 6,160.00	\$ 50.00	\$ 7,000.00	\$ 75.00	\$ 10,500.00	\$ 60.43	\$ 8,460.20	\$ 345.05	\$ 48,307.00
25	4" AGGREGATE BASE	140	SY	\$ 25.00	\$ 3,500.00	\$ 6.50	\$ 910.00	\$ 50.00	\$ 7,000.00	\$ 10.00	\$ 1,400.00	\$ 16.00	\$ 2,240.00	\$ 25.00	\$ 3,500.00	\$ 13.33	\$ 1,866.20	\$ 81.37	\$ 11,391.80
26	HANDICAP RAMP WITH TACTILE WARNING DEVICE	2	EA	\$ 500.00	\$ 1,000.00	\$ 1,350.00	\$ 2,700.00	\$ 1,500.00	\$ 3,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,150.00	\$ 2,300.00	\$ 3,500.00	\$ 7,000.00	\$ 1,076.43	\$ 2,152.86	\$ 6,180.00	\$ 12,360.00
Total Add Alternate - Schedule I				\$ 15,000.00		\$ 10,050.00		\$ 19,800.00		\$ 9,560.00		\$ 11,540.00		\$ 21,000.00		\$ 12,479.26		\$ 72,058.80	
Total Base Bid				\$ 253,650.00		\$ 251,184.00		\$ 269,558.00		\$ 304,347.00		\$ 317,329.00		\$ 364,985.00		\$ 392,155.87		\$ 508,646.54	
Add Alternate				\$ 15,000.00		\$ 10,050.00		\$ 19,800.00		\$ 9,560.00		\$ 11,540.00		\$ 21,000.00		\$ 12,479.26		\$ 72,058.80	

Prepared By:

Justin S. Dowd, P.E., Oklahoma Registration No. 31659
Assistant City Engineer



REGULAR AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve Agreement with Holloway, Updike and Bellen, Inc. to design a new Booster Pump Station to serve the Bixhoma Water Storage Tank and surrounding area.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: During the summer months, the Bixhoma Storage Tank is slow to replenish and keep up with the demand on the tank due to a lack of suction pressure from the City of Tulsa at the Mingo Booster Pump Station. This project would consist of professional services to design a new Booster Pump Station that would boost the pressure and allow the tank to keep up with the demand on the system. The new Booster Pump Station will be located within existing right-of-way in the northeast corner of Deer Run Estates, and would serve the Bixhoma Water Storage tank and surrounding area. The project will also include the design of new isolation valves, air relief valves, and flushing/testing hydrants. This agreement is with Holloway, Updike and Bellen, Inc., who will perform design, bidding, and construction services for a total of \$65,000.00.

EXHIBITS: Agreement

KEY ISSUE: Approval

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-21

MEETING: Council

**AGREEMENT
FOR
ENGINEERING SERVICES
FOR
DEER RUN WATER BOOSTER PUMP STATION**

THIS AGREEMENT, including Attachments, between the Bixby Public Works Authority, (Owner) and Holloway, Updike and Bellen, Inc. (Engineer);

W I T N E S S E T H :

WHEREAS, Owner intends to construct improvements identified as Deer Run Water Booster Pump Station:

PROJECT:

Deer Run Water Booster Pump Station: Professional engineering services to design a new Booster Pump Station to serve the Bixhoma Water Storage Tank and surrounding area. The Booster Pump Station will be located in the northeast corner of Deer Run Estates, Bixby, OK.

WHEREAS, Owner requires certain engineering services (the Services) in connection with the Project; and,

WHEREAS, Engineer is prepared to provide the Services;

NOW THEREFORE, in consideration of the promises contained in this Agreement, Owner and Engineer agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be the 25th day of October 2021.

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services. During the construction phase, the Engineer shall be the Owner's agent and representative with respect to all services of the Engineer that are required or authorized by the construction documents.

ARTICLE 4 - COMPENSATION

Owner shall pay Engineer in accordance with Attachment B, Compensation.

ARTICLE 5 - OWNER'S RESPONSIBILITIES

Owner shall be responsible for all matters described in Attachment C, Owner's Responsibilities and Special Conditions.

ARTICLE 6 - STANDARD OF CARE

Engineer shall perform the Services undertaken in a manner consistent with the prevailing accepted standard for similar services with respect to projects of comparable function and complexity, and with the applicable laws and regulations published and in effect at the time of performance of the Services. Other than the obligation of the Engineer to perform in accordance with the foregoing standard, no warranty, either express or implied, shall apply to the Services to be performed by the Engineer pursuant to this Agreement or the suitability of Engineer's work product.

ARTICLE 7 - LIABILITY AND INDEMNIFICATION

7.1 General. Having considered the potential liabilities that may exist during the performance of the Services, the benefits of the Project, and the Engineer's fee for the Services; and in consideration of the promises contained in this Agreement, Owner and Engineer agree to allocate and limit such liabilities in accordance with this Article.

7.2 Indemnification. Engineer agrees to defend, indemnify, and hold harmless the Owner, its agents and employees, from and against legal liability for all claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are caused by its failure to perform its obligations under this agreement or by its negligent acts, errors, or omissions.

7.3 Consequential Damages. Neither Owner nor Engineer shall be liable to the other for any special, indirect, or consequential damages resulting in any way from the performance of the Services or this Agreement such as, but not limited to, loss of use, loss of revenue, or loss of anticipated profits.

7.4 Survival. Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

ARTICLE 8 - INSURANCE

During the performance of the Services under this Agreement, Engineer shall maintain the following insurance:

- (1) General Liability Insurance, with a combined single limit of \$1,000,000 for each occurrence and \$1,000,000 in the aggregate.
- (2) Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each accident.
- (3) Workers' Compensation Insurance and Employer's liability Insurance in accordance with statutory requirements.
- (4) Professional Liability Insurance, with a limit of \$2,000,000 annual aggregate.

Engineer shall, upon written request, furnish Owner certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to Owner. All Project contractors shall be required to include Owner and Engineer as additional insureds on their General Liability insurance policies and shall be required to indemnify Owner and Engineer to the same extent.

ARTICLE 9 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; or (2) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITIES FOR ACTS OF OTHERS

Provided that the Engineer has acted in good faith, Engineer shall not be liable to Owner for breach of contract or for negligent error or omission in failing to detect, prevent, or report the failure of any contractor, subcontractor, vendor, or other project participant to fulfill contractual or other responsibilities to the Owner, failure to finish or construct the Project in accordance with the plans and specifications, or failure to comply with federal, state, or local laws, ordinances, regulations, rules, codes, orders, criteria, or standards.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, Engineer's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project costs will conform to Engineer's cost estimates or that actual schedules will conform to Engineer's projected schedules. Engineer shall complete the services within the time frame outlined on Attachment D, Schedule, subject to conditions which are beyond the control of the Engineer.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Engineer pursuant to this Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer. Owner shall defend, indemnify, and hold harmless Engineer against all claims, losses, damages, injuries, and expenses, including attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle Engineer to additional compensation at rates to be agreed upon by Owner and Engineer.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by Engineer as part of the Services shall become the property of Owner provided, however, that Engineer shall have the unrestricted right to their use. Engineer shall retain

its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of Engineer. The Owner may use said documents for their own use at no cost to the Owner.

ARTICLE 14 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all the Services performed and termination or suspension expenses in such amount as agreed upon by the Owner and Engineer.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods, earthquakes, fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the addresses specified below with a copy to the Owner's attorney:

Engineer:	Holloway, Updike and Bellen, Inc. 905-A South 9 th St. Broken Arrow, OK 74012 Attention: Stephen Tolar, PE, SE, President
Owner:	Bixby Public Works Authority 116 W Needles Ave. Bixby, OK 74008 Attention: Jared Cottle, PE, City Manager

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 17 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 18 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 19 - INTEGRATION

This Agreement represents the entire and integrated Agreement between Owner and Engineer. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 20 - SUCCESSORS AND ASSIGNS

To the extent permitted by Article 21, Owner and Engineer each binds itself and its successors and assigns to the other party to this Agreement.

ARTICLE 21 - ASSIGNMENT

Neither Owner nor Engineer shall assign its duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Engineer from employing independent consultants, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 22 - THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Engineer.

ARTICLE 23 – AUTHORIZATION TO PROCEED

The Owner will issue the Engineer a written “Notice to Proceed” as authorization to proceed with the work.

IN WITNESS WHEREOF, Owner and Engineer have executed this Agreement.

OWNER:
BIXBY PUBLIC WORKS
AUTHORITY

ENGINEER:
HOLLOWAY, UPDIKE
AND BELLEN, INC.

Chairman

(SEAL)

ATTEST: _____
Secretary



President



ATTEST: _____
(Assistant Secretary)

**ATTACHMENT A
TO
AGREEMENT FOR ENGINEERING SERVICES
BETWEEN
OKLAHOMA ORDNANCE WORKS AUTHORITY, OWNER
AND
HOLLOWAY, UPDIKE AND BELLEN, INC., ENGINEER
FOR
DEER RUN WATER BOOSTER PUMP STATION**

SCOPE OF SERVICES

I. SCOPE OF THE PROJECT

The project consists of professional services to design a new Booster Pump Station to serve the Bixhoma Water Storage Tank and surrounding area. The Booster Pump Station will be located within existing right-of-way in the northeast corner of Deer Run Estates, Bixby, OK. Work will include design of the following improvements:

- New Deer Run Booster Pump Station:
 - The Booster Pump Station will be designed for intermittent use during high water demand periods.
 - Sizing to be determined based on projected growth in the Bixhoma Lake area.
 - Design considerations include:
 - Sized to be constructed on existing ROW. No new easements are to be acquired.
 - Duplex booster station in FRP enclosure.
 - Electrical, instrumentation and controls as required.
 - Local pressure control, designed to batch fill Bixhoma Tank at user set levels.
 - PLC based control panel
 - RTU and antennae to communicate with the Bixhoma Tank site.
 - Discharge flow meter.
 - Onsite generator for emergency backup power.
 - 3 Phase power will likely be required. City will assist in procuring appropriate electrical power at the site.
 - Limited site work as required.
- New 12" Isolation Valves, Air Relief Valves (ARV) and Flushing/Testing Hydrants:

- Two (2) new 12" gate valves to be installed on existing distribution lines. These will be manual valves designed to isolate the Bixhoma Lake service area when booster pump station operations is needed.
 - One (1) to be located at the Deer Run Booster Pump Station
 - One (1) to be located at the North end of Bixhoma Lake Road
 - Installation of two (2) new air relief valves on existing 12" water lines. Locations to be determined.
 - Installation of two (2) new flushing hydrants. Locations to be determined.
- New flow meter and backup generator at the existing Mingo Booster Pump Station.
 - Design of integration requirements to update the existing HMI screens to display new Mingo Booster flow meter reading and new Deer Run Booster data (status, pressure, flow and alarms).

II. SCOPE OF SERVICES

A. Preliminary Design:

1. The Engineer will conduct site visit and view the Bixhoma Tank site and potential sites for the proposed Deer Run Booster Pump Station.
2. Technical Memorandum – Engineer will perform conceptual design for the proposed booster pump station and summarize findings in a Technical Memorandum format. Scope will include:
 - a. Engineer will perform a house count in the Bixhoma Area to determine number of existing customers.
 - b. Engineer will review available planning documents, pending sub division plans and available development areas. Data will be used to project future water demand and determine Deer Run Booster Pump Station sizing.
 - c. Engineer shall install pressure data loggers at two (2) locations to be determined and collect pressure data for use in the hydraulic model.
 - d. Engineer will update existing water model to include the proposed booster station and use the model to confirm flow and pressure requirements.

- e. Engineer will summarize design criteria and prepare conceptual costs estimates.
 - f. Engineer will attend a review meeting to present TM for discussion.
- 3. The Engineer shall prepare preliminary plans and specifications for the proposed work as recommended by the approved Technical Memorandum. The preliminary plans and specifications shall be an abbreviated form of the final plans and specifications, completed to the extent that the design concept is demonstrated and the major features, materials and equipment can be reviewed by the Owner.
- 4. The Engineer shall update the Opinion of Probable Cost based on the preliminary plans and specifications.
- 5. The Engineer shall provide the Owner with five (5) copies of the preliminary plans and specifications and Opinion of Probable Cost Estimate. Plans shall be on 11" X 17" format. A meeting shall be held to review the Owner's comments. Comments agreed upon by all parties shall be incorporated into the final design.
- B. Final Design: The Final Design shall proceed on the basis of the approved Preliminary Design as described above. The following services shall be provided in the preparation of the Final Design.
 - 1. The Engineer shall finalize the plans and specifications as is necessary for bidding and construction of the proposed project including bid forms, general conditions, bonds, special conditions, advertisement for bids and information for bidders.
 - 2. The Engineer shall prepare an updated Opinion of Probable Cost based on the final design.
 - 3. The Engineer shall provide the Owner with five (5) copies of the final plans and specifications for review by the Owner. A meeting shall be held to review the Owner's comments. Comments agreed upon by all parties shall be incorporated into the final design.
- C. Bidding Services: The Engineer will furnish bidding phase services as described below:
 - 1. Advertising for Bids. Assist Owner in advertising for and obtaining bids for construction of the Project to include issuing bidding documents to interested parties and maintaining a record of those to whom bidding documents have been issued.

2. Bidders Questions. Engineer shall receive and respond to, in an appropriate manner, all questions of bidders and other interested parties during the course of the bid period.
 3. Addenda. Issue addenda as appropriate or as directed by Owner to interpret, clarify or expand the bidding documents.
 4. Equivalency Determinations. Consult with Owner and make recommendations concerning the acceptability of substitute materials and equipment proposed by bidder(s) when substitution prior to the award of contracts is allowed by the bidding documents.
 5. Prebid Conference. The Engineer shall conduct a prebid conference on the Owner's behalf. The Engineer shall plan and conduct the meeting and answer questions posed by the contractors.
 6. Bid Opening and Contract Preparation. Attend the bid opening, prepare bid tabulation sheets and assist Owner in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment, and services.
 7. The Engineer shall prepare an Engineer's Cost Estimate and submit it to the Owner prior to the opening of bids.
- D. Engineering Services During Construction: Engineer shall provide the construction administration services as summarized below:
1. Pre-Construction Conference. Engineer shall conduct the pre-construction conference and issue the necessary memorandum. The conference shall initialize the construction administration services on each individual Project.
 2. Construction Progress Meetings. Engineer will attend up to four (4) monthly construction progress meeting held by the Owners Staff.
 3. Reporting. Reporting of the daily construction activities is NOT INCLUDED.
 4. Submittal Review. Engineer shall review Contractor's material submittals, equipment shop drawings, and material test certifications for compliance with the approved plans and specifications.
 5. Contractor's Claims. Engineer shall evaluate to present options and opinions for consideration by the Owner on claims submitted by the contractors.

6. Change Orders. Evaluate and prepare change orders necessary for the Project and make recommendations to Owner.
 7. Resident Project Representation. NOT INCLUDED
 8. Visual Documentation. NOT INCLUDED
 9. Final Inspections. After completion of the punch lists generated by a pre-final inspection, Engineer shall coordinate and conduct the final inspection with all interested parties to the Project.
 10. Acceptance. Prior to final acceptance of the Project, Engineer shall review all contractual requirements of the Contractor and, only upon full receipt and satisfaction of those requirements, recommend acceptance of the Project by the Owner.
 11. Clarifications. Engineer shall provide decisions and clarifications in accordance with the construction contract documents on questions regarding the work or intent of the Project requirements.
 12. Field Changes. Engineer shall review proposed field changes covering modifications or revisions necessitated by field conditions or the requests of the Owner. Engineer shall make appropriate recommendations and coordinate the final changes.
 13. Record Drawings. From information provided by the Contractor the, Engineer shall update electronic files (ACAD) of construction drawings to reflect the “as-constructed” configuration of the Project. Engineer shall submit to Owner three sets of reproducible record drawings at completion of the Project.
 14. Warranty Coordination. Engineer shall track the dates of beneficial occupancy of all portions of the Project and coordinate any warranty work with Contractor which is necessary during the one-year warranty period.
- E. Construction Services Contingency: Should the Contractor fail to complete the Project in the contracted construction period (as identified in the bid documents of the Project and as formally adjusted for weather considerations and additional work not associated with Owner-requested scope changes), the Engineer shall provide continuing construction services. The services to be provided shall be identical in nature to the services identified in previous sections of this detailed scope of services and shall be considered as additional services. Compensation for additional services will be in accordance with the attached Hourly Rates.

**ATTACHMENT B
TO
AGREEMENT FOR ENGINEERING SERVICES
BETWEEN
OKLAHOMA ORDNANCE WORKS AUTHORITY, OWNER
AND
HOLLOWAY, UPDIKE AND BELLEN, INC., ENGINEER
FOR
DEER RUN WATER BOOSTER PUMP STATION**

COMPENSATION

I. PAYMENTS FOR SERVICES OF THE ENGINEER:

- A. Basic Engineering Services. For basic engineering services performed under the Scope of Services in Attachment A, the Owner shall pay the Engineer the following lump sum amounts:

Task	Fee
Technical Memorandum	\$12,000.00
Preliminary Design	\$24,000.00
Final Design	\$18,000.00
Bidding Services	\$5,000.00
Services During Construction	\$6,000.00
Total Fee	\$65,000.00

- B. Additional Engineering Services. For pre-authorized services performed by the Engineer which are outside the Scope of Services outlined in Attachment A of this Agreement, the Owner will pay the Engineer an amount equal to actual hourly salary rates paid by the Engineer to personnel assigned to the Project times 2.8, plus subcontract work, if any, and direct expenses at cost.

II. TIMES OF PAYMENT: Invoices are due and payable within 30 days of date of invoice.

- A. Basic Engineering Services. For the basic engineering services performed under Section II of the Scope of Services in Attachment A, monthly payments shall be made in proportion to services performed.
- B. Additional Engineering Services. For additional engineering services, monthly payments by the Owner shall be based on detailed invoices from Engineer for work completed.

**ATTACHMENT C
TO
AGREEMENT FOR ENGINEERING SERVICES
BETWEEN
OKLAHOMA ORDNANCE WORKS AUTHORITY, OWNER
AND
HOLLOWAY, UPDIKE AND BELLEN, INC., ENGINEER
FOR
DEER RUN WATER BOOSTER PUMP STATION**

OWNER'S RESPONSIBILITIES AND SPECIAL CONDITIONS

I. OWNER RESPONSIBILITIES

1. Owner shall furnish to Engineer all available information pertinent to the Project including previous reports and any other data relative to design and construction of the Project. However, by providing this information the Owner does not in any way guarantee the accuracy of the information.
2. Owner shall furnish and make all provisions for the Engineer to enter upon public or private property as required for the Engineer to perform his Services under this Agreement.
3. Owner shall be responsible for all permit fees.
4. No ROW acquisition is anticipated. If required Owner shall be responsible for all land/easement acquisition procurement, costs and filing of the required legal documents.
5. Owner shall examine all studies, reports, sketches, estimates, specifications, plan drawings, proposals, and other documents presented by the Engineer and render in writing decisions pertaining thereto within a reasonable time so as not to delay the Services of the Engineer.
6. Owner shall designate in writing a person to act as its representative in respect to the work to be performed under this Agreement, and such person shall have complete authority to transmit instructions, receive information, interpret, and define Owner's policies and decisions with respect to materials, equipment, elements, and systems pertinent to the services covered by this Agreement.
7. Owner shall furnish legal assistance as required in the preparation, review, and approval of construction documents.
8. Owner shall furnish assistance in locating existing underground utilities and

in expediting their relocation in preparation for construction.

9. Owner shall furnish such physical testing for quality control and quality assurance during construction as may be required by the construction contract documents, or as required for design changes merited during construction due to unforeseen circumstances, including geotechnical services.
10. Owner will assist engineer in procuring appropriate 3-phase electrical service at the to be determined booster pump station site. Owner will provide all coordination and costs associate with obtaining electrical meter and service.

II. SPECIAL CONDITIONS

None.

**ATTACHMENT D
TO
AGREEMENT FOR ENGINEERING SERVICES
BETWEEN
OKLAHOMA ORDNANCE WORKS AUTHORITY, OWNER
AND
HOLLOWAY, UPDIKE AND BELLEN, INC., ENGINEER
FOR
DEER RUN WATER BOOSTER PUMP STATION**

SCHEDULE

The work shall be completed in accordance with the following schedule:

Task	Days from Notice to Proceed (or Actual Required Date)
Technical Memorandum and Preliminary Design	45
Final Design	30
Advertise	28
Award	30
Start Construction	TBD
Complete Construction	TBD

905-A South 9th Street
Broken Arrow, OK 74012
P: (918) 251-0717
F: (918) 251-0754
hubengineers.com



818 East Side Boulevard
Post Office Box 1543
Muskogee, OK 74402
P: (918) 682-7811
F: (918) 682-4551

ENGINEERS

HOLLOWAY, UPDIKE AND BELLEN, INC.

HOURLY RATES 2021

Principal Engineer	\$200.00 per hour
Sr. Project Manager	\$175.00 per hour
Engineering Intern	\$110.00 per hour
Professional Land Surveyor	\$105.00 per hour
Sr. CADD Technician	\$90.00 per hour
CADD Technician	\$75.00 per hour
Resident Inspector	\$80.00 per hour
3 Man Survey Crew w/GPS	\$190.00 per hour
2 Man Survey Crew w/GPS	\$170.00 per hour
Clerical	\$55.00 per hour
Travel Cost	\$0.55 per mile

REGULAR AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve Agreement with Meshek and Assoicates for Fire Hydrant and Valve Assessment Project; contract is for an amount not to exceed \$578,700.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Bea Aamodt

BACKGROUND: Fire hydrant testing and inspection need to be performed to assess the condition of this key infrastructure and to provide the information to map the system water pressure more accurately. Fire hydrants and valves are important for the maintenance of the drinking water system and for firefighting.

Meshek and Associates will be leading the effort to inventory, test, and assess the fire hydrants and valves. They will then provide a summary of conditions and necessary improvement. They will also update the information in the City's GIS.

EXHIBITS: Agreement

KEY ISSUE: Approval

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 10-25-21

MEETING: Council



SERVICE AGREEMENT BETWEEN OWNER AND ENGINEER

OWNER INFORMATION:

Owner Name: City of Bixby, OK
Address: 116 W Needles (PO Box 70)
City: Bixby State: OK Zip: 74008
Contact: Bea Aamodt, PE Title: Public Works Director
Telephone: (918) 366-4430 Fax: (918) 366-6373 Email: BAamodt@BixbyOK.gov

Nature of Owner:

☐ Individual/Sole Proprietorship ☐ Corporation ☐ Limited Liability Company ☐ Limited Partnership ☐ Partnership ☒ Other: Municipality
State of formation (if an entity) or residence (if an individual): Oklahoma
Tax ID/SSN: _____

ENGINEER INFORMATION:

Engineer (company) name: Meshek & Associates, LLC
Address: 1437 South Boulder Avenue, Suite 1550
City: Tulsa State: OK Zip: 74119
Contact: Michael Couch Title: GIS Manager / Principal
Telephone: (918) 392-5620 Fax: (918) 392-5621 Email: mcouch@meshekengr.com

Nature of Engineer:

☐ Individual/Sole Proprietorship ☐ Corporation ☒ Limited Liability Company ☐ Limited Partnership ☐ Partnership ☐ Other: _____
State of formation (if an entity) or residence (if an individual): Oklahoma
Tax ID/SSN: 73-1322397

All invoices must be addressed and delivered to "Attn: Accounts Payable" at the appropriate address.

TERM/TERMINATION:

THIS IS AN AGREEMENT effective as of 10/25/2021 ("Effective Date") between
The City of Bixby ("Owner") and
Meshek & Associates, LLC ("Engineer").

Owner's Project, of which Consultant's services under this Agreement are a part, is generally identified as follows:

Fire Hydrants and Valves Assessment ("Project").

Engineer's Services under this Agreement are generally identified as follows:

Hydrant location, mapping, and inspection; hydrant flow tests; valve location, mapping, and inspection; valve exercising and verification of flow direction; GIS platform updates, data integration, QA/QC, technical support, and project management.

AGREEMENT:

Owner and Engineer further agree as follows:

1.01 Basic Agreement and Period of Service

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within a reasonable time.

2.01 Payment Procedures

A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt of invoice. If Owner fails to make any payment due Engineer for services and expenses within 90 days after receipt of Engineer's invoice, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension.

3.01 Termination

- A. The obligation to continue performance under this Agreement may be terminated:
 - 1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party.
- b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.
- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 ***Successors, Assigns, and Beneficiaries***

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 3.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any

assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 ***General Considerations***

- A. The standard of care for all professional consulting and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its engineers may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- C. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and engineers; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and engineers from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

- D. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and engineers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- E. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist engineers or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.
- F. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 Total Agreement

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 Basis of Payment—Lump Sum

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:
 - 1. A Lump Sum amount of \$578,700.
- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

7.02 Additional Services: For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus, reimbursable expenses and Engineer's sub-consultants' charges, if any. Engineer's standard hourly rates are attached as Exhibit A.

SIGNATURES:

By signing below, each undersigned acknowledges that it has read and understands, and agrees to be legally bound by this Professional Services Agreement. If a person is signing below on behalf of an entity or another person, the person signing represents and warrants that he or she has been properly authorized and empowered to sign this Professional Services Agreement on behalf of that entity or other person and to bind that entity or other person to this Professional Services Agreement. This Agreement may be executed in any number of counterparts, each of which will be considered an original but all of which will constitute one and the same instrument.

City of Bixby

Meshek & Associates, LLC



Printed Name: _____

Printed Name: Michael Couch

Title: _____

Title: GIS Manager / Principal

Date: _____

Date: 10/12/2021

Engineer's License No.: 1487 (OK)

Exhibit A

Consultant's Standard Hourly Rates

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Exhibit A and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

B. *Schedule of Hourly Rates:*

Hourly rates for services performed on or after the Effective Date are:

Allowance for Office Work:

Technology Solutions Manager	\$ 215/hour
Technology Solutions Developer	\$ 150/hour
Technology Solutions Designer	\$ 100/hour
GIS Principal	\$ 185/hour
GIS Project Manager	\$ 160/hour
GIS Specialist II	\$ 135/hour
GIS Specialist I	\$ 100/hour
GIS Analyst	\$ 80/hour
GIS Technician	\$ 70/hour
GPS Field Technician	\$ 60/hour
Contract Administrator	\$ 150/hour
Administrative	\$ 100/hour

Allowance for Travel:

Total mileage traveled for field and office visits
@ Current IRS rate.

Reproduction costs:

In-house reproduction

8-1/2"x11" print	\$ 0.10/each
8-1/2"x14" print	\$ 0.15/each
11"x17" print	\$ 0.25/each
Black and White Plots	\$ 2.50/each
Color Plot	\$ 5.00/each
Mylars	\$ 7.00/each
USB Flash Drive	\$ 10.00/each
Per Diem – Meals	@ Current GSA Rate
Per Diem – Lodging	@ Current GSA Rate

Miscellaneous outside expenses and fees: Cost plus 5%

Exhibit B

Required Insurance Limits and Coverages for Engineers

Before commencing work, Engineer must provide a Certificate of Insurance certifying that the insurance limits and coverages, with the appropriate endorsements, all as outlined below are in effect.

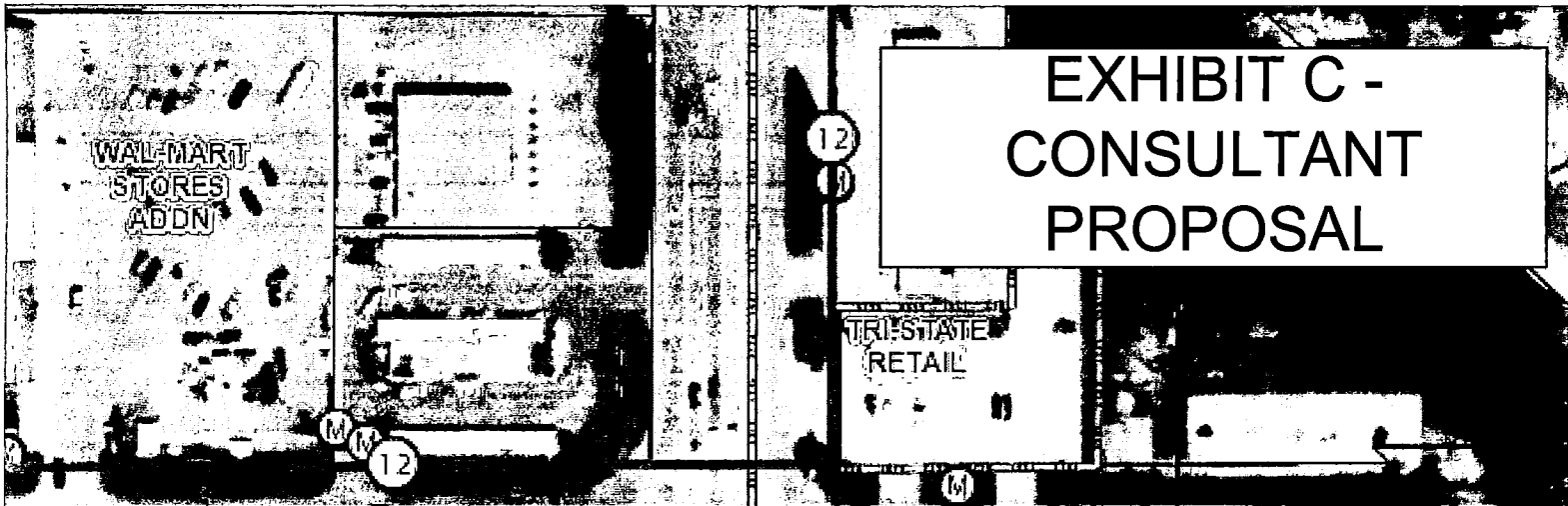
Commercial General Liability	\$1,000,000 Each Occurrence \$1,000,000 General Aggregate * Must include coverage for blanket contractual liability for the obligations assumed under contract
Comprehensive Automobile Liability	\$1,000,000 Combined Single Limit Each Occurrence * Coverage must extend to all owned, non-owned, leased, hired or borrowed vehicles and must include coverage for blanket contractual liability for the obligations assumed under contract
Workers' Compensation	Statutory Limits where Services are to be performed * Must include coverage for Longshoremen's and Harbor Workers' Compensation, if applicable, and coverage for Federal Employers' Liability Act, if applicable
Employer's Liability	\$1,000,000 Each Occurrence \$1,000,000 Disease per Employee * * An Umbrella liability policy, which follows form, may be used to obtain the aforementioned limits
Professional Liability (If applicable)	\$1,000,000 Each Occurrence \$2,000,000 General Aggregate

Certificate Holder and Endorsement Requirements

- Owner shall be listed as Certificate Holder.
- Engineer and the Consultants identified in the Purchase Order for a Specific Project shall be listed on Owner's general liability policies of insurance as additional insureds.

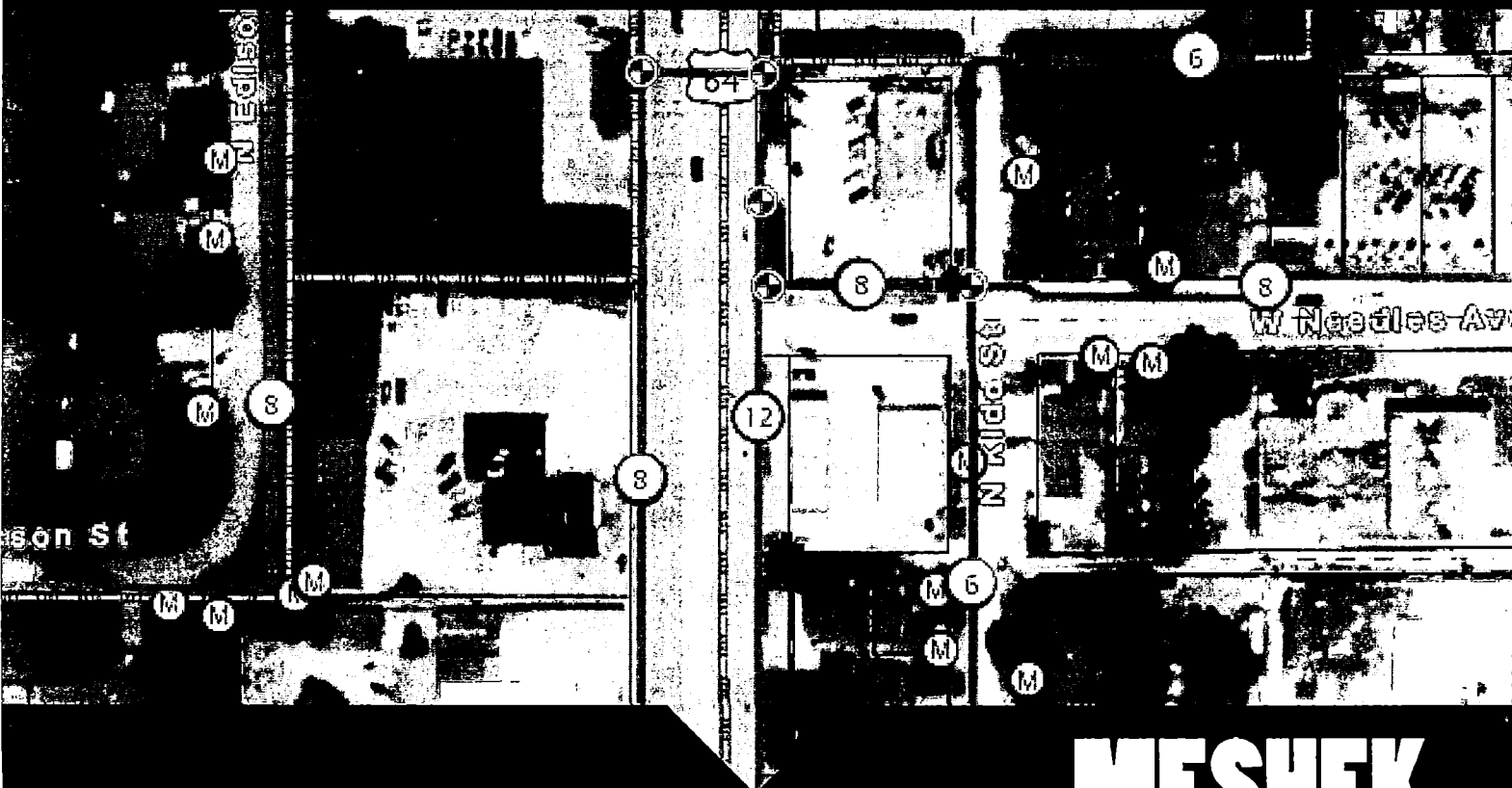
Other Requirements

- All policies required shall be written by a reputable insurance company reasonably acceptable to Company or with a Best's Guide Rating of A- and Class VII or better, and authorized to do business in the state(s) in which Engineer is performing for Company.
- Failure to provide evidence as required shall entitle, but not require, Owner to terminate immediately. Acceptance of a certificate that does not comply with this document shall not operate as a waiver of Engineer's obligations hereunder.



City of Bixby

Fire Hydrants and Valves Assessment



MESHEK
& ASSOCIATES, LLC

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Introduction



Meshek & Associates, LLC (Meshek) appreciates the opportunity to propose to work with the City of Bixby to perform a city-wide assessment of fire hydrants and water valves.

Meshek has been providing engineering and related services to municipal clients in Oklahoma since 1988. We have continuously provided GIS services to the City for nearly a decade, updating and providing digital maps of the City's utility infrastructure and other critical municipal datasets such as boundaries, street conditions, and Capital Improvement Plan project mapping. This has included paper maps and online mapping, which can be accessed on any desktop or mobile device in the field.

For the currently proposed work, we will team with Water Preservation and Planning (dba Wade Engineering) to assist with the assessment process. Wade is also Oklahoma based and specializes in water distribution system assessments and modeling. We believe the combined team is the ideal team to meet the City's needs for this project.

Project Understanding

The City of Bixby has approximately 1,250 fire hydrants and 2,500 water distribution gate valves (this does not include the auxiliary valves at the hydrants, which would be considered part of the hydrant assembly for the purposes of this work).

Despite the existing mapping (which is based on what as-built drawings and legacy utility atlases could be collected to be digitized), the City has a concern that not all assets are accounted for in the mapping correctly – either they were not in these previous records and so are unmapped altogether, or the previous data sources were erroneous and so the current mapping is also erroneous.

In addition, the time-consuming nature of traditional assessments as done by the City's own staff, which would need to be performed while also performing many other essential duties, has left the City with an outdated assessment of the water valve and fire hydrant conditions. Many fire hydrants haven't been inspected in several years.

As a result, previous ISO (Insurance Services Office) audits have demerited the City's fire protection score for a lack of fire hydrant maintenance records and data on the inventory and condition of the City's water utility network, which harms the fire insurance rating of the City. This leads to higher home insurance ratings for citizens, as these scores are used by insurers to determine the vulnerability of insured properties to fire.

To quote from isomitigation.com, of the 105.5 total points in an ISO FSRs PPC (Fire Suppression Rating Schedule Public Protection Classification) score, a substantial portion of the total score depends on the quality and locational accuracy of data on the City's water utility system and timely and complete inspection records:



14
GIS

team members



4

certified GISP
experts



Esri

Silver Partner

"A maximum of 40 points of the overall score is based on the community's water supply. This part of the survey focuses on whether the community has sufficient water supply for fire suppression beyond daily maximum consumption. ISO surveys all components of the water supply system. We also review fire hydrant inspections and frequency of flow testing. Finally, we count the number of fire hydrants that are no more than 1,000 feet from the representative locations."

In the resulting 10-point scale assigned to communities nationwide, Bixby currently has an ISO rating of 3.

Newly constructed improvements to the City's water supply system and fire department should assist in improving that rating in the next audit; the fire hydrant and valve assessment project in this proposal should be the final essential component in improving the operations of the water utility system and improving the ISO fire protection rating of the City.

For the Bixby Hydrants and Valves Assessment project, the joint team of Meshek / Wade will provide the following services, several of which are beyond what City staff could provide via traditional methods, resulting in more than a clipboard survey of the City's system:

- Inspection, including flow testing, for each hydrant.
- Inspection, including testing, and valve exercising, for each gate valve
- Sub-meter-accuracy location data and asset photographs
- Presentation of all collected data in GIS format to integrate live into the existing GIS utility mapping system
- A list of recommendations to repair, maintain, or replace assets; this identification will be integrated into the City's GIS to allow the City to identify, assign, track, and manage the repair, maintenance, and replacement of assets

Project Procedure

Wade staff, consisting of three technicians and a professional engineer on site, will perform hydrant and valve inspections in accordance with American Water Works Standard M-17. A sample of M-17 inspection procedures is attached (see Appendix A).

Hydrants will be flow tested in exceedance of AWWA standards – residual pressures will be measured at a minimum of two adjacent fire hydrants. Residual pressures will be recorded at one-second intervals. Evidence of water hammer will be noted. Flows will be tested at a minimum of two flow rates.

As a matter of preventive maintenance, each hydrant will have its gaskets replaced, and its caps and valve nut lubricated.

Valves will be visually inspected and exercised. Hydrants will flow at a constricted flow and the re-

sulting change in flow will confirm the section of pipe associated with each valve.

A list of discovered non-functioning hydrants and valves will be reported to Meshek and Public Works on a weekly basis. If these assets are repaired within 6 months of reporting, Wade will re-test them at no additional cost.

Unique asset IDs will be assigned to each hydrant and each hydrant will be tagged with the IDs. Meshek will provide the GIS platform for the collections, integrate the results into the City's GIS for review and use by the City, provide QA/QC on Wade's collections, and provide technical support to Wade and the City. Progress reports will be submitted, and project status meetings held, monthly.

Details to be collected about the hydrants and valves include:

- Descriptive location and nearest address
- Hydrant/Valve ID
- Date of inspection
- Make and model
- Date installed (if known)
- Main valve size
- Size, shape, and thread of all nozzles and nuts (hydrants)
- Opening direction of hydrant
- Owner of hydrant
- Opening direction of hydrant shutoff valve
- Number of turns to close hydrant / valve
- Condition of hydrant/valve
- Recommended improvements to hydrant if needed
- Photos of hydrants and valves
- Flow readings for hydrant
- Any additional descriptive comments which may be needed
- GPS coordinate of hydrant/valve

Project Deliverables

This project will provide inspection forms for each hydrant and valve (see attached samples in Appendix A, Appendix B, and Appendix C.)

All the inspection form data (including site photographs) will be provided in GIS and KML format.

Project Schedule and Project Fee

Project is anticipated to be completed in 12 months upon receipt of Notice to Proceed. If the City wishes, certain areas of the City can be given higher priority and analyzed ahead of the final report. The total fee for this project based on the above-described scope of services is presented below, in Table 1.

Table 1: Inspection Cost Summary

BIXBY HYDRANTS AND VALVES ASSESSMENT			
Task Description	Quantity	Unit Cost	Total Cost
Hydrant Location, Mapping, and Inspection	1,250	\$50	\$62,500
Hydrant Flow Test	1,250	\$140	\$175,000
Valve Location, Mapping, and Inspection	2,500	\$50	\$125,000
Valve Exercising and Verification of Flow Direction	2,500	\$60	\$150,000
GIS Platform Updates, Data Integration, QA/QC, Technical Support, and Project Management	1	\$66,200	\$66,200
		Total	\$578,700

The hydrant and valve counts are derived from the utility atlas with a +20% adjustment factor for possible assets not included in current mapping based on expressed uncertainty about the completeness of the mapping. Valves within close proximity to hydrants are estimated as part of the hydrant assembly and so not counted as valves for the purpose of this project breakdown. These quantities are the basis of the total not-to-exceed cost for the inspection and testing tasks. The GIS/PM task is a lump sump fee.

Past Firm Experience

Fire Hydrant Inspection App

City of Broken Arrow

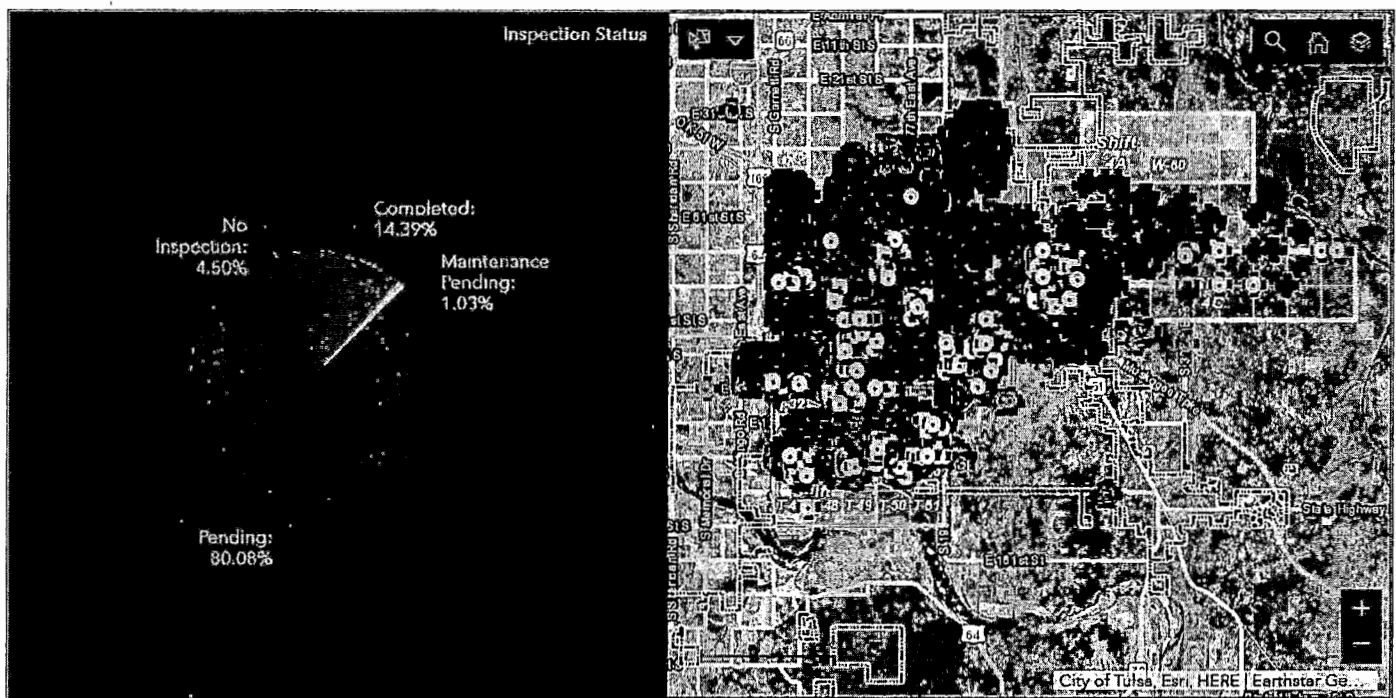
The Broken Arrow Fire Department needed a web application that could be used to perform its annual hydrant inspection program. In 2018, the City of Broken Arrow partnered with Meshek & Associates to create an ArcGIS Collector interface using a specially configured web map and feature service with customized backend scripting. Simply put, the app allows firefighters to collect hydrant inspection records — including photo attachments — and submit work orders for required maintenance to the utilities department.

Along with the app development, Meshek's GIS experts trained the 150 fire department crew members how to use the program. After training the fire department's personnel, we monitored the progress of the crews, providing additional support and guidance as needed. As a result, we effectively acted as assistant remote managers for a team of 150 field collection personnel — in this case, the City fire department.

During the first year of inspections, the fire department was able to inspect nearly 6,000 hydrants every three months utilizing existing equipment and personnel.

As part of the second year of inspections we incorporated the ability to geocode their monthly fire calls and classify their mutual aid calls for reimbursement. Additionally we updated the adjacent PSAP boundaries where annexations occurred to better classify their mutual aid calls allowing them to bill for previously unaccounted mutual aid expenses.

This project has won audience acclaim at every conference where it has been presented beginning with the Oklahoma SCAUG Tulsa User Group Meeting, the Oklahoma SCAUG Annual Conference, and finally the 2019 ESRI International User Conference where we received special invitation to present.



Mark Steward
Assistant Fire Chief
918.259.8360, ext. 6361

Debris Management Solution

City of Del City

In 2020, a mid-winter ice storm left central Oklahoma with piles of fallen tree limbs and debris. The City of Del City contacted Meshek's GIS team to create a solution to improve the efficiency of the debris removal process.

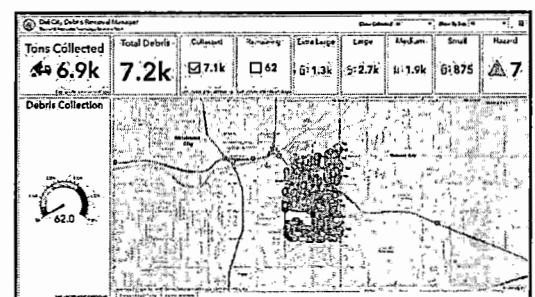
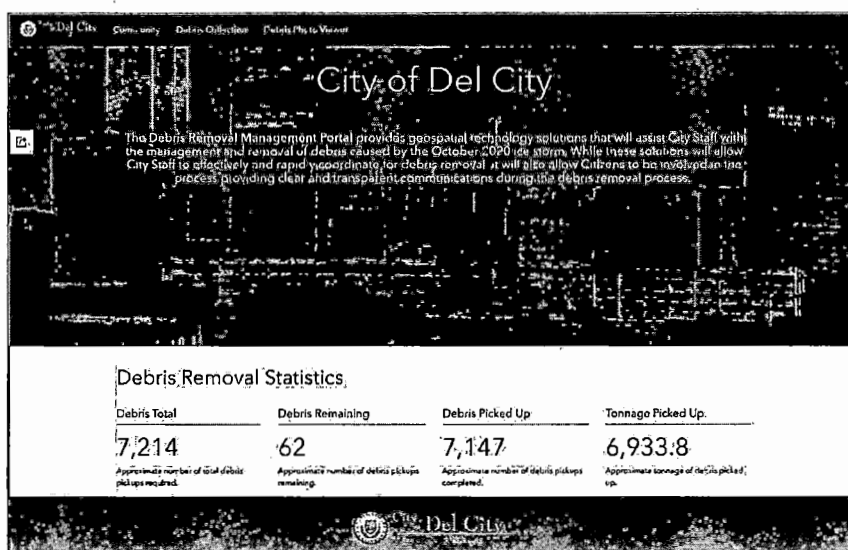
The first stage of the debris removal process was to assess the volume of debris to be collected. For this step, the team used QuickCapture, a rapid assessment tool that allowed city staff to collect information about 7,200 piles of debris in only two working days. The city deployed a three-person team — one driver to follow the collection route and two passengers who sat on either side of the vehicle, capturing pictures of and collecting information about debris piles by address in realtime.

During the debris collection phase, the city staff traveled with each debris collection crew, recording information including the vehicles used, the crew members, the type of debris collected, method of disposal, and the total weight removed per truck load. The total weight removed was calculated based on each trucks full and empty weights obtained from the weight scales and weight tickets provide at the final dump site.

The web portal Home Page provides general information regarding the purpose of the site as well as high-level indicators that track the progress of the debris removal process. As show in the example (in the gallery below), at this point in the collection phase nearly 7,000 tons of debris have been collected, from 7,147 debris piles out of the 7,214 piles identified during the rapid assessment, with a remaining 62 debris piles left to be picked up to complete the debris removal for Del City.

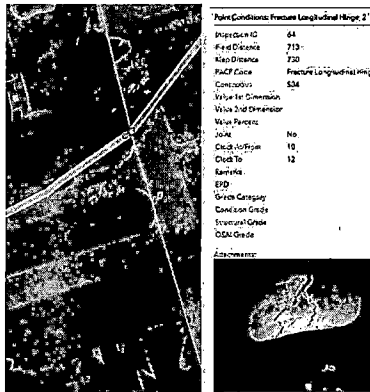
As the centerpiece for monitoring activity, the operations dashboard is the executive and community window into the overall status during the debris collection phase. The dashboard delivers near-real time data (30 second refresh intervals) and transparency to both city staff and the community. Using the dashboard, city staff were able to monitor the number of debris piles needing to be removed from the initial assessment, the number of debris piles that had been removed, and the remaining debris piles awaiting removal.

The dashboard also allowed the city staff to view how many debris piles were observed to contain a hazard which needed to be corrected before the contractor could/would pick it up. These hazards were noted in the initial QuickCapture collection process as any potential obstacle or infrastructure keeping a pile from being



Monica Cardin, CFM, CCEA, QSI
Director of Community Development
405.671.2815
mcardin@cityofdelcity.org

Citywide Storm Sewer Condition Assessment Tulsa, Oklahoma



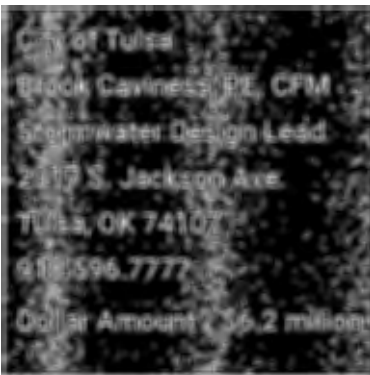
Meshek & Associates has provided engineering-related GIS support to the City of Tulsa for more than 18 years. In June 2015, they called on us to perform a single-basin pilot program to inventory and assess the City's storm sewer system.

This project was so successful that it was followed by five additional projects encompassing different drainage basins.

For this program (ongoing), Meshek has simultaneously deployed as many as three field teams to conduct surface inspections and confined space subsurface inspections. To collect inventory and assess the conditions of the sewer system elements, field technicians use commercial-grade tablets and Bluetooth sub-meter GPS receivers to collect feature information and positions. The technicians used feature services — using disconnected editing via ArcGIS Collector — for real-time attribute input in the field. Edits are synced daily. Processed data is posted to a GIS viewer for the City to use.

In addition, we have managed several CCTV inspection subcontractors as part of this work, for lines too small for manned entry.

The City and Meshek are on track to complete the entire citywide inventory assessment in four years.



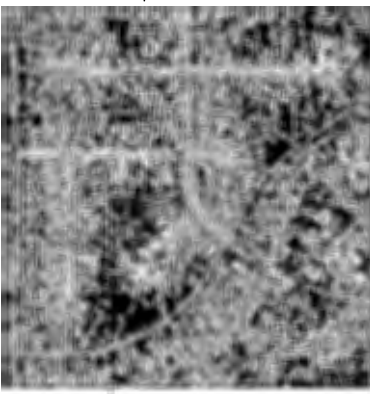
Citywide GIS Implementation Enid, Oklahoma

Meshek began providing GIS services for the City of Enid in 2007. Since then we've partnered with the City on projects including:

- A citywide GPS survey of water valves and hydrants
- The creation of a citywide GIS water atlas
- Sanitary sewer manhole GPS and depth measurements for 80% of the City
- The creation of a citywide GIS sanitary sewer atlas
- GIS viewer hosting
- City limits and annexation / de-annexation mapping
- Easement / right-of-way mapping

The water and sewer atlas projects of the first two years comprised more than 10,000 GPS collections. We built the City's GIS utility atlases, helped establish their GIS program, and have performed projects of varying scopes every year since. Every project for the City of Enid has been executed within schedule and budget, including enough savings to fund new scope amendments under the original budget on more than one occasion.

Currently, we continue to provide GIS viewer hosting and update services, as we have for the last decade. We are planning to assist the City with a city-owned building inventory in the new year.





Past Firm Experience (Wade)

Potable Water Assessment/Modeling

City of Oklahoma City (converted MWHSoft model to Infowater, calibrated & maintained)
City of Muskogee, OK
City of Atoka, OK
City of Idabel, OK
City of Choctaw, OK
City of Pilot Point, TX
Green Valley RWD, Canadian County, OK
Garfield Co. RWD #6
Atoka Co. RWD #3, OK
Muskogee Co. RWD #1, OK
Lincoln Co. RWD #1, OK
Choctaw Co. RWD #6, OK
Ellington Air Field, Texas National Guard, Houston, TX
Village of Golf, IL
Village of Schiller Park, IL
Village of Grayslake, IL
Village of Northfield, IL
Private Developments in Wheeler Neighborhood, Oklahoma City, OK; Glendora, CA; Rogers, AR; Murray State College, Tishomingo, OK; Hughes Co. RWD #1

Sanitary Sewer / Storm Sewer Assessment/Modeling

City of Nichols Hills, OK
City of Shawnee, OK
Portions of City of Enid, OK

References

City of Choctaw
Randy Jacox, Public Works Director
405-390-1121

Green Valley Rural Water District
Jack Chronister, Manager
405-262-9091

Muskogee Co. RWD #1
Sheila Wittle, Manager
918-682-7903

Experience/Qualifications of Assigned Professionals



Michael Couch, GISP, CFM

GIS & Technology
Solutions Principal

primary point of contact



Jason Kleps, GISP
GIS Project Manager



Chris Rogers
Technology Solutions
Manager



Dan Wade, PE (and staff)
Fire Hydrant and Valve
Inspection



Michael Couch GISP, CFM

GIS & Technology Solutions Department Principal

Michael Couch serves at the helm of the GIS department. He joined Meshek in 2006 and offers more than 15 years of experience in GIS. His experience reaches the full gamut of GIS development. Projects over the years have consisted of managing and performing utility inventories, critical facilities mapping, easement mapping, impervious area analysis, floodplain map updates, data conversion, GIS needs assessments, GIS portal and architecture deployments, and GIS web viewer setup and management.

Education

B.S. Management
Information Systems,
2004, Oklahoma State
University, Graduated Cum
Laude

Registration

GIS Professional (GISP)
No. 54120

Certified Floodplain
Manager (CFM) OK-08-
00008

Associations

South Central Arc User
Group

Oklahoma Floodplain
Managers' Associates

Urban and Regional
Information Systems
Association

Michael has helped many Oklahoma communities implement stormwater utility fees, perform FEMA mapping updates, launch their municipal GIS programs, and map their municipal utility systems. Some of his largest projects are the mapping and necessary FEMA cost/benefit analyses for the multi-million dollar City of Kingfisher floodplain property buyout program, managing the Citywide Storm Sewer Condition Assessment and Channel Assessment projects for the City of Tulsa, the Oklahoma City Downtown Master Drainage Plan Project Alternatives Benefit Cost Analysis, and the launch and ongoing support of the City of Enid GIS program.

Michael's project portfolio includes the following types of projects among many others:

- GIS Web Viewers and GIS Web Server Deployments. Launched original web viewers for all municipal partners. Currently supporting the Oklahoma Water Resource Board's CTP Special Project for enhanced mapping and mitigation outreach for flood risk statewide, as well as the USACE Arkansas River flood study portal for emergency management planning.
- Floodplain Mapping. Floodplain Mapping for Oklahoma Water Resources Board through the Cooperating Technical Partners (CTP) Program of FEMA Region 6 for the cities of Broken Arrow and El Reno. Local drainage plan floodplain mapping for cities including Tulsa, Claremore, Kingfisher, Sapulpa, and Woodward.
- 2019 Arkansas River Flood. Continuous response and support for Tulsa and other regional communities during the May 2019 flood, including deployment to the Emergency Operation Center for nearly two weeks and providing updated mapping and analysis of inundation areas, impact analysis for responders and disaster declaration, and public map viewers for public information.
- Impervious Area Analysis for Oklahoma municipalities including the cities of Owasso, Sand Springs, Claremore, McAlester, Sapulpa, and Woodward.
- Multi-jurisdictional / Multi-Hazard Mitigation Plans. Developed Multi-hazard mitigation plans for seven counties and constituent communities, including GPS mapping of critical facilities.



Jason Kleps, GISP

GIS Project Manager

Jason began his GIS career using GPS and electromagnetic detection equipment to map underground utility lines. Before that he served in the United States Army for five years, providing firing data to artillery batteries.

Since joining Meshek in 2014, Jason Kleps has risen to the rank of project manager and is responsible for managing and coordinating the activities of our field personnel.

During his time with Meshek, Jason has taken the lead on field collections for one of Meshek's more comprehensive GIS projects, the City of Tulsa Storm Sewer project. He designed the feature service used for collecting data in the field, selected and implemented the rating system for the condition assessment, manages the team's duty assignments, and makes needed equipment purchases.

Representative projects from Jason's portfolio include:

- City of Tulsa Storm Sewer Condition Assessment. Assisted in developing Tulsa's Storm Sewer Condition Assessment. This is an ongoing multi-year phased City-wide project to inspect the major storm sewers of Tulsa to provide an action plan for maintenance of the system and capital improvement planning.
- ODOT Reconnaissance Reports. Specialist in completing the reconnaissance analyses and reports for Craig and Rogers Counties. Conducted several site visits to collect GPS data in the field and prepared numerous maps and tables for insertion into the final reports.
- City of Enid Right-of-Way Mapping. Assisted in the research, georeferencing, and mapping of right-of-ways in the City of Enid.
- Benefit-Cost Analyses (BCA). Trained at FEMA's Emergency Management Institute in FEMA BCA software; helped prioritize acquisition costs for the City of Kingfisher.
- City of Kingfisher. Produced maps and tables in support of the Meshek Right-of-Way group's acquisition efforts in the City of Kingfisher.
- National Pipeline Mapping System (NPMS). Provided mapping support for the NPMS, a Federal GIS dataset of oil and gas pipelines in the United States. Also provided on-site support at the US Department of Transportation's Pipelines and Hazardous Materials Safety Administration (PHMSA) in Washington DC, where he produced polished maps for senior officials as well as conducted complex nationwide analyses on pipeline data.

Education
B.A., History
Ashland University
2004

M.P.S GIS
University of Maryland
2012

Certification
GISP #91808

NASSCO
PACP/LACP/MACP
U-1216-0



Chris Rogers

Technology Solutions Manager

Since joining Meshek in 2019, Chris Rogers has developed GIS-based applications to address the needs of our clients, including the Oklahoma Water Resources Board and the City of Tulsa. Prior to joining Meshek he developed GIS applications for the Oklahoma Department of Public Safety. Prior to that he worked at Lockheed Martin and Boeing, developing numerous applications to support their needs. Before entering the private sector, he served in the Air Force with TS/SCI clearance (now inactive), including the US Special Operations Command.

He is in regular contact and collaboration with several Esri representatives and engineers, including those in the San Antonio regional office. Not only does this give him access to a greater number of off the shelf (or reconfigurable off the shelf) tools to deliver GIS solutions, it also allows him to avoid committing the client to a fully custom-built application with the lengthy legacy maintenance tail those approaches require unless truly and absolutely needed by the project need. This included collaborating in the development of Esri's new QuickCapture application.

Christopher's project experience includes:

- **Flood and Infrastructure Analysis and Reporting.** At Meshek, currently configuring an Operations Dashboard application to automatically locate and report roadways that would suffer a total loss of access to an area in the event of an underlying storm sewer pipe failure, for the City of Tulsa. Also developing an Operations Dashboard to report on flood risks statewide, including aggregating public and non-public data streams to assist in general flood risk reporting (claims, policies, structures, and location relative to the FEMA Special Flood Hazard Area), and reporting this data per community; this project also includes deploying a Survey123 application to be used by the Oklahoma Water Resources Board to perform outreach to local floodplain administrators and other officials guided by the local risk profile.
- **Public Safety GIS Database and Application Development.** At the Oklahoma Department of Public Safety, designed and developed the Oklahoma Impaired Driver Database & Web Application, used by over 9,500 officers in the state to facilitate the arrest of intoxicated drivers (acquiring over 10,000 arrest reports in less than 2 years), including greatly reducing manual reporting time by offices in the field by configuring enhanced VIN reading. Designed and developed the Oklahoma Highway Patrol Workforce Command & Control applications, providing real-time geospatial situational awareness for the timely and accurate deployment of law enforcement and public safety resources statewide by leveraging Esri's ArcGIS Online, Workforce, Survey123, and Operations Dashboard products.





Daniel Wade, P.E.
Wade Engineering
Fire Hydrant and Valve Inspection

Daniel Wade is a Professional Engineer with over 20 years of experience with Oklahoma and Texas Water and Sewer concerns.

Daniel is CEO and owner of Water Preservation and Planning LLC (dba Wade Engineering), specializing in distribution system assessment. His firm performs civil engineering, hydraulic modeling, and water master planning services for clients nationwide.

Wade Engineering has provided water and sewer modeling services to engineering firms nationwide. Daniel has modeled over 5,000 miles of pipeline to AWWA/ISO standards.

Prior to forming his own company, Daniel was an engineer for Oklahoma City, Eagle Consultants, FPM Group, Guernsey, and Dolese Bros.

EDUCATION

M.S. Environmental Health Engineering, The University of Texas at Austin, 1997
B.S. Civil Engineering, The University of Oklahoma, 1975

Honors and Awards

Oklahoma PE #20487
Texas PE #133816

AWWA Certification
Risk Assessment and
Emergency Response
Planning

Corps of Engineers
Wetland Delineation
Training

Proficient in Infowater,
AutoCAD, SWMM, Mathcad,
HEC-RAS, WaterCAD
Working knowledge of
SullyCADD, Info sewer, Total
Station, HEC-HMS

Daniel's project experience includes:

- City of Oklahoma City
- Converted MWHSoft Model to Infowater, Calibrated & Maintained City of Muskogee, OK
- City of Atoka, OK
- City of Idabel, OK
- City of Choctaw, OK
- City of Pilot Point, TX
- Green Valley RWD, Canadian County, OK
- Garfield Co. RWD #6
- Atoka Co. RWD #3, OK
- Muskogee Co. RWD #1, OK
- Lincoln Co. RWD #1, OK
- Choctaw Co. RWD #6, OK
- Ellington Air Field, Texas National Guard, Houston, TX
- Village of Golf, IL
- Village of Schiller Park, IL
- Village of Grayslake, IL

Appendix A – AWWA Hydrant Inspection Procedure

30 FIREHYDRANTS

Dry-Barrel Hydrant Inspection Procedure

1. Check the hydrant's appearance. Remove obstructions around it. If paint is needed, either paint the hydrant or schedule it for painting. Check to see whether the hydrant needs to be raised because of a change in the ground-surface grade. If adjustments are needed, schedule the work.
2. Remove one outlet-nozzle cap and use a listening device to check for main-valve leakage.
3. Using a plumb bob, check for the presence of water or ice in the hydrant barrel.
4. Replace the outlet-nozzle cap. Leave it loose enough to allow air to escape.
5. Open the hydrant only a few turns. Allow air to vent from the outlet-nozzle cap.
6. Tighten the outlet-nozzle cap.
7. Open the hydrant fully. Check for ease of operation. Certain water conditions may cause hard-water buildup on the stem threads of toggle and slide-gate hydrants and on the threads of wet-top hydrants. Opening and closing the hydrant repeatedly usually removes this buildup. If the hydrant has no threads in the water, but operates with difficulty, check the lubrication before proceeding with the inspection. Other problems that may make operation difficult are stuck packing and bent stems.
8. With the hydrant fully open, check for leakage at flanges, around outlet nozzles, at packing or seals, and around the operating stem. Repair as needed.
9. Partially close the hydrant so the drains open and water flows through under pressure for about 10 s, flushing the drain outlets.
10. Close the hydrant completely. Back off the operating nut enough to take pressure off of the thrust bearing or packing.
11. Remove an outlet-nozzle cap.
12. Attach a section of fire hose or other deflector to protect the street, traffic, and private property from water expelled at high velocity. (See warning about rigid diverters in Sec. 6.6.)
13. Open the hydrant and flush to remove foreign material from the interior and lead.
14. Close the hydrant. Remove the deflector and check the operation of the drain valve by placing the palm of one hand over the outlet nozzle. Drainage should be sufficiently rapid to create noticeable suction. For no-drain hydrants, pump the water from the barrel.
15. Using a listening device, check the main valve for leakage.
16. Remove all outlet-nozzle caps, clean the threads, check the condition of the gaskets, and lubricate the threads. (Graphite powder in oil works well, as do several of the never-seize compounds.) Check the ease of operation of each cap.
17. Check outlet-nozzle-cap chains or cables for free action on each cap. If the chains or cables bind, open the loop around the cap until they move freely. This will keep the chains or cables from kinking when the cap is removed during an emergency.
18. Replace the caps. Tighten them, and then back off slightly so they will not be excessively tight. Leave them tight enough to prevent their removal by hand.
19. Check the lubrication of operating-nut threads. Lubricate per the manufacturer's recommendations.
20. Locate and exercise the auxiliary valve. Leave it in the open position.
21. On traffic-model hydrants, check the breakaway device for damage.
22. If the hydrant is inoperable, tag it with a clearly visible mark and notify the fire department. This may save fire fighters valuable time in an emergency. Schedule the hydrant for repair.

***Note fire hydrants in need of paint will be noted, but painting will not be performed as part of this assessment.**

Appendix B – Fire Hydrant Inspection Data Collection Sheet Example

	Hydrant #		
Street Location			

Step One: Initial Evaluation

Lat/Long			Condition: Accessibility	
What3Words			Condition: Chains	
Manufacturer		Inspection Date	Height: From Pumper Nozzle Cap to Grade	
Year		Inspector Name	Water in Barrel?	
Elevation		Condition: Paint	Audible Leakage?	

Step Two: Loosen one cap, slowly pressurize to remove air, tighten cap, fully pressurize, check, then de-pressurize

Condition: Ease of Turning		Other Leakage	
Leakage at caps		Condition: Weep Drain	

Step Three: Pre-Flush

Seconds to flush clear		Condition: Suction	
Noticeable chlorine odor?		Audible Leakage?	

Step Four: Flush #1

Pitot Diameter		Pitot PSI		Pitot Flow		Water Hammer?	
Gauge #1 Location		Gauge #2 Location		Gauge #3 Location		Gauge #4 Location	
Gauge #1 Static		Gauge #2 Static		Gauge #3 Static		Gauge #4 Static	
Gauge #1 Dynamic		Gauge #2 Dynamic		Gauge #3 Dynamic		Gauge #4 Dynamic	

Step Five: Flush #2

Pitot Diameter		Pitot PSI		Pitot Flow			
Gauge #1 Location		Gauge #2 Location		Gauge #3 Location		Gauge #4 Location	
Gauge #1 Static		Gauge #2 Static		Gauge #3 Static		Gauge #4 Static	
Gauge #1 Dynamic		Gauge #2 Dynamic		Gauge #3 Dynamic		Gauge #4 Dynamic	

Step Six: Operate Auxiliary Valve at very low flow

Condition: Auxiliary Valve		# of Turns	
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Step Seven: Preventive Maintenance

Gaskets Replaced?		Valve Stem Lubricated?		Valve Box Marked?	
Cap Threads Lubricated?		ID Tag Attached?		Hydrant Marked?	

Step Eight: Post-Inspection Calculations

Hydrant Rating (gpm @ 25psi)	
Other Comments	

Appendix C – Valve Inspection Data Collection Sheet Example

	Valve #		
Street Location			

Step One: Initial Evaluation

Lat/Long		Inspection Date	
What3Words		Inspector Name	
Manufacturer		Condition: Paint	
Elevation		Condition: Accessibility	
Other Comments		Condition: Standing Water	

Step Two: Install 1/2" restrictor on hydrant in suspected direction(s)

Hydrant #1 ID		Hydrant #2 ID	
Pitot PSI, Valve Open		Pitot PSI, Valve Open	
Pitot PSI, Valve Closed		Pitot PSI, Valve Closed	

Hydrant #3 ID		Hydrant #4 ID	
Pitot PSI, Valve Open		Pitot PSI, Valve Open	
Pitot PSI, Valve Closed		Pitot PSI, Valve Closed	

Step Three: Operate Valve

Ease of Turning	
Noticeable Vibration?	
# of turns to close	
# of turns to open	

Step Four: Preventive Maintenance

Valve Box Marked?	
Curb Marked?	

Thank you.

Michael Couch

Michael Couch GISP, CFM

1437 S. Boulder Ave.

No. 1550

Tulsa, OK 74119

[o] 918.392.5620, ext. 222

mcouch@meshekengr.com



meshekengr.com

Tulsa | OKC



Hydrologic & Hydraulic
Engineering



Civil & Roadway
Design



GIS & Technology
Solutions



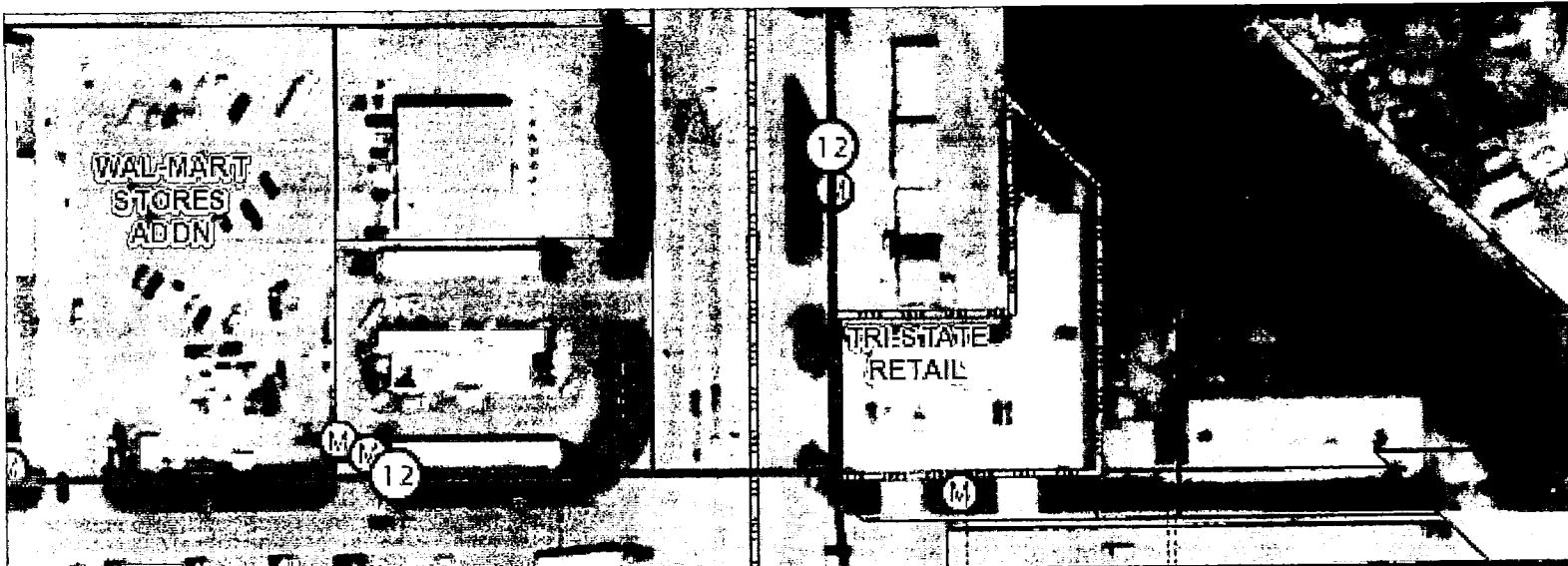
Planning & Grant
Management



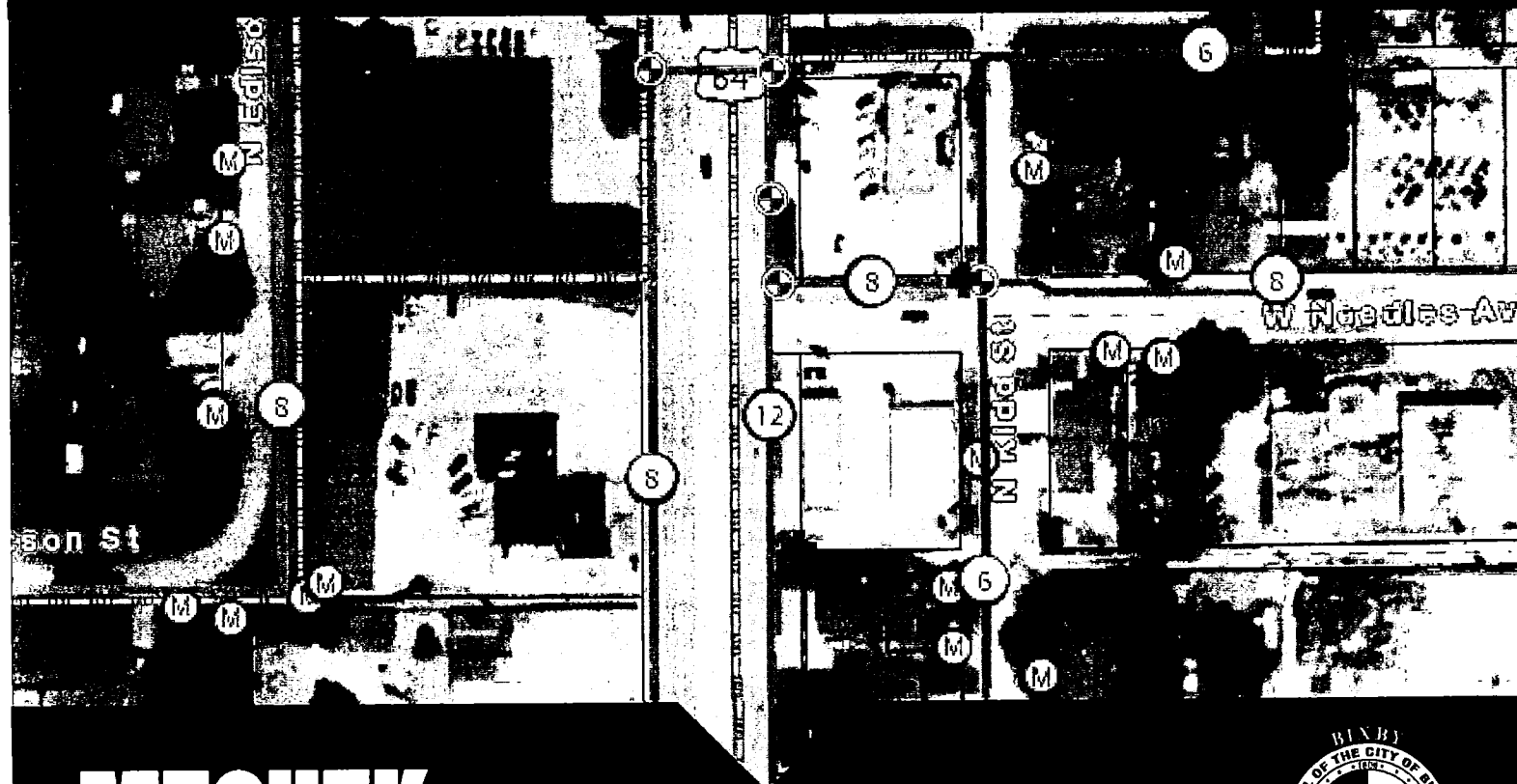
Land Survey &
LiDAR Scanning



Right-of-Way & Land
Acquisition Services



Building A Stronger Tomorrow



MESHEK
& ASSOCIATES, LLC



City of Bixby BPWA Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
October 11 2021 6:00 P.M.**

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 October 8th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 9.50 p.m.

City Clerk Yvonne Adams called the roll and all members were present,

Members Present

**Guthrie
Blair
Girard
Crawford
Founds**

Staff Present

**Jared Cottle, City Manager
Phil Frazier, City Attorney
Police Chief, Andy Choate
Bea Aamodt, PW Director
Yvonne Adams, City Clerk**

Councilor Girard said Item #1 on the BPWA Consent Agenda is:

CITY CLERKS REPORT

Consider and approve:

- a) Minutes for the Bixby Public Works Authority meeting dated 09/27/21.
- b) Public notice schedule of the Bixby Public Works Authority meetings for calendar year 2022.

Mayor Guthrie asked for a motion on the BPWA consent agenda. Councilor Crawford made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Crawford, Founds, Girard, Blair, Guthrie.

No: None.

Mayor Guthrie said on Item #1 on the Regular BPWA agenda is:

New Business

There being none.

Adjournment was called at 9:51 p.m.

MAYOR

ATTEST

SECRETARY