



City of Bixby City Council Meeting Agenda

**Mayor Brian Guthrie
Vice Mayor Robert Founds
Council Member Brad Girard
Council Member Andrew Revelis
Council Member Ken Hirshey**

Monday, December 11, 2023

6:00 PM

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

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

Call to Order

Mayor Guthrie

Roll Call

Shannon Duran, City Clerk

Pledge of Allegiance

Invocation

Consent Agenda

City Clerk's Report

Consider and Approve:

- 1) Minutes for the Work Session dated 11/13/23.
- 2) Minutes for the City Council Meeting dated 11/13/23.
- 3) Consider and/or approve the purchase and purchase order for Tulsa First Responder Support Service, PLLC in the amount of \$10,911, to provide mental health services.
- 4) Consider and/or approve the appointment of Best Sharp Law Firm to represent the City in second annexation-de-annexation case by Tulsa County vs. City of Bixby.
- 5) Discuss and/or take action on Utility Easement Dedication for off-site storm sewer to serve Ellis Ranch. (1st Easement location on map)

- 6) Discuss and/or take action on Utility Easement Dedication for off-site sanitary sewer to serve Ellis Ranch. (2nd Easement location on map)
- 7) Discuss and/or take action on Utility Easement Dedication for off-site storm sewer to serve Ellis Ranch. (3rd Easement location on map)
- 8) Discuss and/or take action on Utility Easement Dedication for off-site storm sewer to serve Ellis Ranch. (4th Easement location on map)
- 9) Discuss and/or take action on General Utility Easement Dedication for off-site utilities to serve Haikey Creek Estates.
- 10) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit Number SL000072230936, Facility Number S-20407, Residences at Boardwalk Phase 2.
- 11) Discuss and/or take action on purchasing unleaded gasoline and diesel for \$25,000
- 12) Consider and/or approve approval of the purchase of (4) mobile radios from L3 Harris Technologies for the Emergency Operations Center for the amount of \$35,461.00.
- 13) Consider and/or take action on approval of Resolution No. 2023-23, formally modifying fees to match ordinance and remove fees no longer needed and re-adopting authorized and existing fees and preset fines charged by the City of Bixby, its agencies, boards and departments.

Regular Agenda

- 1) Introduction of New Firefighters
Mike Butler, Fire Chief
- 2) Discussion, consideration, and possible vote for approval to revoke Ordinance 2083 and enact Ordinance 2459 to modify the Emergency Medical Service Fee in Bixby City Code, Chapter 9.
Mike Butler, Fire Chief
- 3) Emergency Clause for Ordinance 2459, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.
Mike Butler, Fire Chief
- 4) Consider and take action on the Retention Agreement with Edison PC & Indian and Environmental Law Group, PLLC, for testing Water Quality and Waste Water Treatment for the City representation should any negligence of third parties adversely effect the City of Bixby's water quality as provided or discharged.
Brian Guthrie, Mayor
- 5) Discussion, consideration, and possible vote for approval of a request from the Downtown Facade Grant Program Application for C&R Family Realty LLC, located

at 6 East Breckenridge Ave, Ste A, Bixby, Oklahoma, 74008, not to exceed the amount of \$10,000.

Joey Wiedel, Development Services Director

- 6) Discussion, consideration, and possible vote for approval of a request from the Downtown Facade Grant Program Application for C&R Family Realty LLC, located at 6 East Breckenridge Ave, Ste B, Bixby, Oklahoma, 74008, not to exceed the amount of \$10,000.

Joey Wiedel, Development Services Director

- 7) Discussion, consideration, and possible vote for approval of a request from the Downtown Facade Grant Program Application for C&R Family Realty LLC, located at 6 East Breckenridge Ave, Ste C, Bixby, Oklahoma, 74008, not to exceed the amount of \$10,000.

Joey Wiedel, Development Services Director

- 8) Discussion, consideration, and possible vote for approval of a request from the Downtown Facade Grant Program Application for C&R Family Realty LLC, located at 6 East Breckenridge Ave, Ste D, Bixby, Oklahoma, 74008, not to exceed the amount of \$10,000.

Joey Wiedel, Development Services Director

- 9) Discussion, consideration, and possible vote for approval of a request from the Downtown Facade Grant Program Application for C&R Family Realty LLC, located at 6 East Breckenridge Ave, Ste E, Bixby, Oklahoma, 74008, not to exceed the amount of \$10,000.

Joey Wiedel, Development Services Director

- 10) Discussion, consideration, and possible vote for approval of Bixby Preliminary Plat (B.X.P.T.) number 23.17, for South County Industrial Park, 70 acres, containing eleven (11) lots, two (2) blocks, and two (2) reserve areas, in Section 16, Township 17 North, Range 13 East, located One-half (1/2) mile North of 151st Street South and West of Kimberly Clark Place.

Joey Wiedel, Development Services Director

- 11) Discussion, consideration, and possible vote for approval of Bixby Conditional Final Plat (B.X.P.T.) number 23.16, for Haikey Creek Estates, Blocks 1-7, 44.30 acres, containing sixty-eight (68) lots, seven (7) blocks, and four (4) reserve areas, in Section 07, Township 17 North, Range 14 East, located South of East 131st Street South and East of Mingo Road, 13500 Block of Mingo Road.

Joey Wiedel, Development Services Director

- 12) Discussion, consideration, and possible vote for approval of Bixby Final Plat (B.X.P.T.) number 23.15, for City West Complex, 16 acres, containing one (1) lot, one (1) block, and three (3) reserve areas, in Section 15, Township 17 North, Range 13 East, located approximately 200 feet West of the Northwest corner of East 151st Street South and South Sheridan Road.

Joey Wiedel, Development Services Director

- 13) Discussion, consideration, and possible vote for approval of Ordinance Number 2460 Bixby Zoning (B.X.Z.O) number 23.11, Rezoning for The Performing Arts Center, a proposed amendment to a zoning district in the City of Bixby, from Commercial Heavy (C.H.) and Residential Single-family (R.S.-3) to Commercial Heavy (C.H.), the property contains 13.71 acres in Section 24, Township 17 North, Range 13 East, located on the block South of East Dawes Avenue, and North of East Breckenridge Avenue, and East of North Montgomery Street, West of North Stanley Street.

Joey Wiedel, Development Services Director

- 14) Consider approval of an Emergency Clause for Ordinance 2460, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

- 15) Discussion, consideration, and possible vote for approval of Bixby Specific Use Permit (B.X.S.U.P.) number 23.05, for Bixby Public Schools containing 4.36 acres in Section 24, Township 17 North, Range 13 East, located at 23 South Riverview Drive.

Joey Wiedel, Development Services Director

- 16) Discussion, consideration, and possible vote for approval of Ordinance Number 2461 Bixby Zoning (B.X.Z.O) number 23.13, Rezoning for 116 and 114 Development, a proposed amendment to a zoning district in the City of Bixby, from Residential Single Family (R.S.-3), to Commercial Heavy (C.H.) to allow for a Commercial Mixed Use Development, in Section 24, Township 17 North, Range 13 East, located at 114 East Breckenridge Avenue.

Joey Wiedel, Development Services Director

- 17) Consider approval of an emergency clause for Ordinance 2461, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

- 18) Discussion, consideration, and possible vote for approval of Ordinance Number 2462 Bixby Planned Unit Development (B.X.P.U.D) number 23.05, for 116 and 114 Development, in Section 24, Township 17 North, Range 13 East, located at 114 East Breckenridge Avenue.

Joey Wiedel, Development Services Director

- 19) Consider approval of an emergency clause for Ordinance 2462, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

- 20) Discussion, consideration, and possible vote for approval of Ordinance Number 2463 Bixby Zoning (B.X.Z.O.) number 23.12, Rezoning for Christian Brothers Automotive, a proposed amendment to a zoning district in the City of Bixby, from

Office Light (O.L.) to Commercial Shopping (C.S.), contains 1.11 acres in Section 1, Township 18 North, Range 13 East, located at 8250 East 121st Street.

Joey Wiedel, Development Services Director

- 21) Consider approval of an emergency clause for Ordinance 2463, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

- 22) Discussion, consideration, and possible vote for approval of Ordinance Number 2464 Bixby Planned Unit Development (P.U.D. 81, Major Amendment No. 5), for Christian Brothers Automotive, a proposed amendment to the P.U.D. to the zoning district in the City of Bixby, from Office Light (O.L.) to Commercial Shopping (C.S.), contains 1.11 acres in Section 1, Township 18 North, Range 13 East, located at 8250 East 121st Street.

Joey Wiedel, Development Services Director

- 23) Consider approval of an emergency clause for Ordinance 2464, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, and welfare.

- 24) Discussion, consideration, and possible vote for approval of Bixby Specific Use Permit (B.X.S.U.P.) number 23.06, Specific Use Permit for Christian Brothers Automotive, containing 1.11 acres in Section 1, Township 18 North, Range 13 East, located at 8250 East 121st Street.

Joey Wiedel, Development Services Director

- 25) Discussion, consideration, and possible vote for approval of Bixby Site Plan (B.X.S.P.) number 23.16, Site Plan for Christian Brothers Automotive, containing 1.11 acres in Section 1, Township 18 North, Range 13 East, located at 8250 East 121st Street.

Joey Wiedel, Development Services Director

- 26) Discussion, consideration, and possible vote to award the contract for the Alderwood Estates Off-site Sanitary Sewer to Ira M Green Construction, Co.; Ira M Green Construction, Co. submitted the lowest and best bid of \$2,036,300.00.

Justin Dowd, City Engineer

- 27) Discuss and/or approve Change Order No. 1 to deduct \$81,450.00 from the Municipal Building at 111th Cabaniss Project

Bea Aamodt, Public Works Director

- 28) Discuss and/or approve Change Order No. 2 to add \$159,170.90 to the Municipal Building at 111th Cabaniss Project for replacing water and sewer infrastructure

Bea Aamodt, Public Works Director

29) Discuss and/or take action on Traffic Calming proposal from Bixby Public Schools.
Jared Cottle, City Manager

30) Discuss and/or take action on authorizing the Mayor to execute a Memorandum of Understanding with the Muskogee (Creek) Nation to add roads to the Nation's Tribal Transportation Facility Inventory (NTTFI).

Jared Cottle, City Manager

31) Motion to enter into Executive Session:

a. *Discussion on matters pertaining to Economic Development, the Public disclosure of which would violate the confidentiality of the businesses. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.C.11.*

b. *Discussion on negotiations, sale, and/or trade of certain real property at 101 E. Dawes and alley right-of-way at 19 E. Dawes, owned by City of Bixby: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.*

c. *Discussion on the annual employee performance and employment contract review of the City Manager. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1.*

d. *Discussion on legal services performance and contract review. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1.*

Brian Guthrie, Mayor

32) Motion to exit Executive Session and reconvene in open session

Brian Guthrie, Mayor

33) Consider and/or take action, if necessary, on economic development agreement or agreements for alley right-of-way improvements at 19 E. Dawes Ave., owned by the City of Bixby.

Brian Guthrie, Mayor

34) Consider and take any necessary action resulting from the annual employee performance and employment contract reviews of the City Manager.

Brian Guthrie, Mayor

35) Consider and take any necessary action resulting from the review of the legal services performance and contract reviews.

Brian Guthrie, Mayor

36) City Manager's Report

37) New Business

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

38) Adjournment

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of December 8, 2023, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Shannon Duran
City Clerk

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

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

For Special Accommodations

Persons who require special accommodation to participate in this meeting should contact City Clerk, Shannon Duran: 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email [City Clerk, Shannon Duran](mailto:sduran@bixbyok.gov) (sduran@bixbyok.gov), as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact Oklahoma Relay at 1-800-722-

0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.