

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
December 11, 2023 at 6:00 PM

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles avenue, Bixby, Oklahoma on December 8, 2023, on or before 5:00 p.m.

Call to Order

Mayor Guthrie called the City Council Meeting to order at 6:07 pm.

Roll Call

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

Members Present

Mayor Guthrie
Vice Mayor Founds
Councilor Girard
Councilor Revelis
Councilor Hirshey

Staff Present

Jared Cottle, City Manager
Shannon Duran, City Clerk
Phil Frazier, City Attorney
Charles Barnes, Finance Director
Bea Aamodt, Public Works Director
Joey Wiedel, City Planner
Todd Blish, Police Chief
Mike Butler, Fire Chief
Justin Dowd, City Engineer
Bryan Toney, Public Information Officer

Pledge of Allegiance

Invocation

Consent Agenda

- 1) Minutes for the Work Session dated 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 SLO00072230936, 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.

Mayor Guthrie said Item 1-13 on the Consent Agenda is up for discussion and consideration.

Mayor Guthrie asks for a motion to approve items 1-13. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

Regular Agenda

- 1) Introduction of New Firefighters

Mayor Guthrie said Item 1 on the Regular Agenda introduction of New Firefighters.

Fire Chief Mike Butler introduces the Bixby Fire Department Class of 2023 Firefighters. Cadets have completed 12 weeks of training and this group is the largest group of Fire Fighters that have been hired in Bixby history. All other cadets are out on calls during this introduction. Lucas Loveless is present to represent the rest of the group of firefighters being acknowledged.

- 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.

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

Item presented by Fire Chief Mike Butler

Others who spoke: None

Fire Chief Mike Butler advises the council that this service will provide an Emergency Medical Transportation service under the control and supervision of the Bixby Fire Department. This will also provide an Emergency Medical transport service fee program known as "Bixby Care".

The purpose of the program is to serve the city citizens by providing emergency medical services at a rate equal to existing medical insurance coverage for State or Federal Health care programs and by a monthly fee for each utility customer for residential or non-residential participating in the program. The emergency medical service provided by this ordinance shall be deemed as a no out-of-pocket service subject to medical coverage. Asking to approve the new Ordinance 2459 and revoke Ordinance 2083.

Councilor Girard asks for clarification as to no opt out of this fee. This fee is mandatory for those citizens living in the city limits. Currently, those citizens pay EMSA fee that is currently required, so the status of that requirement shall remain. Instead of paying EMSA citizens will be paying EMS fees for "Bixby Care". There is an increase of \$3.90 for a total of \$7.50. Councilor Revelis clarifies that this fee increase will go towards faster response times since there will be 2 ambulances in the City of Bixby at all times. With our own trucks within the city, the city will be in control of the ambulances. Pay a little more money, but will have far superior service. Mayor Guthrie confirmed that anyone who has this water bill and pays this fee will cover anyone in the household who is transported from that address will be covered and pay zero out of pocket. Rural residents will have the opportunity to opt in for a fee of \$90.00 per year subscription fee for "Bixby Care" which is an addition to the \$75.00 per year fire fee.

Councilor Girard stated that he is concerned there is no opt-out option, but he does feel that this will be the best care for the citizens

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

Carried:5-0

Ayes: Revelis, Hirshey, Girard, Founds, Guthrie

Nays: 0

- 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.

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

Item presented by Mike Butler, Fire Chief

Others who spoke: none

Mayor Guthrie asks for a motion to approve item 3. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Founds, Hirshey, Girard, Revelis, Guthrie

Nays: 0

- 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.

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

Item presented by City Attorney Phil Frazier

Others who spoke: None

Attorney Phil Frazier advised the council that this action would allow the city an opportunity to opt into an agreement on a class action suit. This would allow the city to participate in the recovery from the class action lawsuit at no cost to the city.

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

Carried:5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel, Development Services Director

Others who spoke: City Manager Jared Cottle

Mayor Guthrie says we will take items 5-9 at the same time sit is for the same applicant at the same location with different suites.

Joey Wiedel advises the council that it is for the old BTC location that the facade grant is being requested. The total amount of all suites is in the amount of \$50,000.00. Currently, there is \$41,000.00 remaining in the facade Grant which was approved by the previous council in the amount of \$250,000.00. There are 3 grants that amount to \$30,000 that were previously approved in 2021 but has yet to be collected which brings the amount of \$41,000.00 remaining in grants. The applicant is requesting \$50,000.00 in total. The applicant's total estimates are \$117,965 for all five suites.

City Manager Jared Cottle advised the council that the remaining costs could be covered with downtown funds.

Councilor Girard inquired if this approval could be sunset with conditions since the previous approval was in 2021 and never took place, which makes it unfair to have it sit there when we have someone coming in and ready. Councilor Girard feels there should be a 12-month sunset with the approval. Joey advises the council that he has had a discussion with Finance about whether a sunset was put in place back in 2021 based on that same concern, staff was unable to verify if there was any agreement that stated such. Moving forward Joey advises the council it could be put in place for this particular project

City Manager Jared Cottle advises the council that there would have to be a notification given and take the applicant through that process. This verbiage was not upfront on the grant as to when the money had to be spent and it is expected that it would be spent fairly quickly. Staff can go back and talk to those grant recipients to see what their game plan was. Mayor Guthrie says to notify and revisit those to either revise or pullback. Joey Wiedel says that they have been identified and

will reach out.

Joey Wiedel advises the council that the wonder will not take over the property until October or November 2024. He does own the property but he does have an agreement with the current tenant while they relocate the facility. The project is not expected to start immediately but there is an agreement to allow the owner to start the outside facade with the current tenant remaining. The tenant is the person who he has purchased the property from. Option 1 starts in Jan 2024 and option 2 will start in Feb 2025. Both options were shown to Council as to what the quote was for. Council inquires as to clarification as to option 1 and option 2 and the differences in windows on the facade. Joey states that the applicant is willing to put in the option that the staff and council would strongly recommend without opposition. Option 1 in the proposed modification is preferred. The applicant is unable to be present due to family matters. It is unclear as to why Option 2 would start later than Option 1.

City Manager Jared Cottle suggests an approval with conditions: Start date with option 1 and sunset date. Councilor Girard suggests tabling items to make sure that the funds are there. Joey Wiedel advises the council that there is \$41,000.00 currently in funding from the Downtown Facade Grant and supplemental funds to offset the remaining \$9,000 for a total of \$50,000.00. Jared Cottle states that there is more than that in the account in general, which was the limit that was previously approved by the council for \$250,000.00. The others that were earmarked previously can be revisited since the funds are available. Councilor Girard suggests 12-18 months sunset, or it has to come back to the council for re-approval. Mayor Guthrie inquires as to how many are sitting out there that have not started. Joey confirms that there are 3 projects still out there from 2021. All others have started or finished.

The applicant would be able to start the work right away since no permits would be needed. Councilor Hirshey suggests that the completion date of the project will be by August 2025. Sunset to be estimated for 18 months to allow completion.

Councilor Hirshey motions to approve the request for the Facade Grant as long as the applicant chooses option 1 to commence no later than February 1, 2024, and a further clause that if the project has not been completed by August 2025 then the applicant would be sunset out and would need to return to request the grant again

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

Carried:5-0

Ayes: Hirschey, Girard, Revelis, Founds, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke: None

Councilor Hirshey moves to approve with the same conditions as item 5 (See item 5 for all discussions as to items 5-9). Option 1 is selected, commencement is no later than February 1, 2024, with a sunset clause expiring August 2025.

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

Carried:5-0

Ayes: Hirshey, Girard, Revelis, Founds, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke: None

Councilor Hirshey moves to approve with the same conditions as item 5 (See item 5 for all discussions as to items 5-9). Option 1 is selected, commencement is no later than February 1, 2024, with a sunset clause expiring August 2025.

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

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke: None

Councilor Hirshey moves to approve with the same conditions as item 5 (See item 5 for all discussions as to items 5-9). Option 1 is selected, commencement is no later than February 1, 2024, with a sunset clause expiring August 2025.

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

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke: None

Councilor Hirshey moves to approve with the same conditions as item 5 (See item 5 for all discussions as to items 5-9). Option 1 is selected, commencement is no later than February 1,

2024, with a sunset clause expiring August 2025.

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

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 10) Discussion, consideration, and possible vote for approval 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.

Mayor Guthrie says item 10 is tabled.

- 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.

Mayor Guthrie said Item 11 on the Regular Agenda is up for discussion and consideration.

Item presented by Jowy Wiedel

Others who spoke: Erik Enyart

Joey Wiedel gave an update as to the property location for Haikey Creek Estates blocks 1-7. This property is zoned Residential RS-3 dwellings. The applicant is asking for a final plat for a residential single-family RS-3 a PUD (BXPUD 21.07). This phase will be the first phase with blocks 1-7 with this development. No public comments have been received at the time that the Staff Report was written. Staff supports and recommends the approval of the final plat B.X.P.T 23.16 with the following conditions: P.S.O Easements are vacated, and all property shall be removed from the flooded plain before the filing of the final plat. Removal pending letter of the final termination with FEMA and the pedestrian bridge is built across the Haikey Creek channel as stated in the construction drawings. The planning commission passed this development with a 3-0 vote with a recommendation of approval.

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

Carried:5-0

Ayes: Founds, Revelis, Girard, Hirshey, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 12 on the Regular Agenda is up for discussion and consideration.

Item presented by Joel Wiedel

Others who spoke:

Joey Wiedel provided the Council with an update for the Final Plat for City West Complex BXPT 23.15 Commercial Shopping (CS) together with planned unit development BXPUD 22.02. No comments from the Planning Commission, Engineering, or Planning Department, or the public

at the time of this application. The Staff Report supports the recommendation and approval of this request for the final plat.

This location is the new Fire Station and City Complex, which is on 151st. Councilor Girard confirmed that this location will be city property.

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

Carried:5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke: None

Joey Wiedel advises the council that the Staff Report is for items 13-14 for the rezoning from CH RS-3 to CH. This property is the Performing Arts Center (PAC) location. This will be a commercial development. Staff recommends approval. The Planning Commission passed this development with a 4-0 vote and recommended approval. There were no comments from the public at the time the report was written.

Mayor Guthrie inquires and asks for clarification as to the item stating that it is 13.71 acres and states that it is a scrivener's error on the Agenda. The map is pulled up during the Council meeting and discussion held as to the actual lot size. The Mayor says the property looks like approximately 2.3 acres. The item was corrected due to Scrivener's error and stated the lot is 2.5 acres plus or minus.

Mayor Guthrie asks for a motion to approve item 13. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:4-1

Ayes: Founds, Hirshey, Revelis, Guthrie

Abstain: Girard

- 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.

Mayor Guthrie said Item 14 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel

Others who spoke: None

Mayor Guthrie asks for a motion to approve item 14. Councilor Revelis made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:4-1

Ayes: Revelis, Founds, Hirshey, Guthrie

Abstain: Girard

- 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.

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

Item presented by Joey Wiedel

Others who spoke:

Joey Wiedel advises the council that the applicant is asking for a specific use permit, BXSUP 23.05 to allow for a school administration building in an AG-zoned district. No comments were received at the time of this report from the general public. The Planning Commission passed this request with a 4-0 vote and recommended approval.

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

Carried:5-0

Ayes: Girard, Founds, Girard, Revelis, Hirshey, Guthrie

Nays: 0

- 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.

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

Item presented by Joey Wiedel

Others who spoke

Joey Wiedel advises the council that items 16-19 will be on the same Staff Report. The applicant is asking for a rezone for 116 and 114 development BXZO 23.13 and requesting to amend zoning from Residential RS-3 to Commercial Heavy for BXPUD 23.05. There were no comments received by staff at the time of the report and recommends approval of the requested rezoning. Planning Commission passed with a 4-0 vote and recommended approval. With a Site Plan landscaping to come back to the Planning Commission for approval.

Mayor Guthrie inquires it says mixed-use ground floor apartments are permitted within this use. Joey advised the council that it was correct and the language in regards to this is listed in the PUD which talks about the existing building and its use.

Councilor Girard inquires if the location is the old 1st Baptist Church. City Manager Jared Cottle advised the council that the contract allowed for 40% commercial usage on the complex as a whole. Councilor Hirshey asked that if this item is approved the applicant will still have to come back and petition from the council for what use they want for a building permit. Councilor Hirshey also asks if they will be leaving everything in place and only do modifications. City Manager Jared Cottle advises the council that it is still up in the air and not sure what they will be doing yet. Mayor Guthrie says this item is for zoning and that the PUD will be taken up in the next item. Councilor Hirshey moves to approve the first step considering they are going to have to come back and clarify more as to what their plans are with this location.

Mayor Guthrie asks for a motion to approve item 16. Councilor Hirshey made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-1

Ayes: Hirshey, Revelis, Founds, Guthrie

Abstain: Girard

- 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.

Mayor Guthrie said Item 17 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel

Others who spoke

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

Carried:4-1

Ayes: Hirshey, Revelis, Founds, Guthrie

Abstain: Girard

- 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.

Mayor Guthrie said Item 18 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke:

Joey Wiedel advises the Council that this is the same PUD for 114 and 116 previously discussed in item 16 and the area where the applicant would like to have a multi-use complex office commercial with a multifamily. Also provide a daycare facility, event center, office, and residential apartments in the downtown Bixby area. The property does allow for this use in the downtown overlay district and will comply with the associated standards. The applicant is looking at an event center, office, daycare, and a maximum of 24 apartments. Most of the current structure will be retained and renovated for the listed uses. Planning will need to look at plans when the applicant decides the exact use for the mixed-use building.

Mayor Guthrie asks for a motion to approve item 18.

No motions were offered.

Mayor Guthrie inquired if the applicant was at the meeting. Mayor Guthrie advises it would be good to hear from the applicant as to plans for use.

Further discussions were held as to the current zoning as residential. The City Manager advises the council that churches can go into any zoning without rezoning the property. it is a conforming use because it is a church. Although it is in a residential district, our code does allow for churches to be in non-conformance with zoning.

The council would like to hear from the applicant and what they are requesting.

Mayor Guthrie says this item is tabled for the applicant to be present.

- 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.

Mayor Guthrie says this item is tabled for the applicant to be present.

- 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.

Mayor Guthrie said Item 20 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke:

Joey Wiedel advises the council that the applicant is requesting a rezone BXZO 23.12 from Office Light (OL) to Commercial Shopping (CS) planned unit development PUD 841 major amendment number 5 and specific use BXSUP 23.06. This will cover items 20-25. Major amended number 5 for automotive for the address 8250 E 121st Street S on the site plan. Minor changes to the original PUD and amendment number five was added. No public comment was given at the time the report was written. Planning Commission passed with a 4-0 vote and recommends approval. The Planning Commission suggested placing conclusions in the PUD no medical marijuana or liquor stores. Planning Commission also recommends that a monument sign be installed in place of a pole sign. Staff recommend approval.

There are renderings of the elevation. Councilor Hirshey inquires as to whether this is for lot 3 on the Plat. Councilor inquires as to the parking for the lot. All parking would be in the back of the building. Joey advises the council that there is an agreement between the multi-family and Christian Brothers on the rear of the lot to relocate the dog park. Councilor Hirshey states that the building is 100 percent masonry besides roll-up doors and fits with the architectural style and the surrounding area is commercial.

Mayor Guthrie asks for a motion to approve item 20. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Founds, Hirshey, Girard, Revelis, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 21 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel

Others who spoke:

Mayor Guthrie asks for a motion to approve item 21. Vice Mayor Founds made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Founds, Hirshey, Girard, Revelis, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 22 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke: Applicant Paula Tollver

Joey Wiedel advises the council that this is the same project as discussed in item 20 for Christian Brothers Automotive. The applicant is present for further discussion. Staff report remains the same as item 20.

Councilor Hirshey would like to hear from the applicant. Applicant Paula Tolliver was present and thanked the council for the opportunity to speak on behalf of Christian Brothers Automotive.

Applicant discusses the history of business. They have been in business for over 40 years and currently have over 287 locations across 33 states. The business provides a comprehensive variety of auto repair services typically associated with post-warranty work. Auto diagnostics and brake issues. They do not work on automobiles for auto body repair, painting, or tire capping. Mainly address the mechanical aspects of auto repair. Open Monday to Friday from 7 am to 6 pm. The location will be open on Saturday for the first 3 months of opening to get a presence in the community. After that period, they plan to be closed on the weekends. Shuttle service will be provided for anyone who may need transportation to and from the location of services.

Councilor Hirshey inquired on the site plan if there is a pavement on the back side intended to be able to have the ability to drive around the building. Kevin Jordan who is the seller and current owner of the property wants to place a dog park behind the building. Currently, it is just grass with possible use for the dog park to be put in that space in the future. The dog park would be directly south 20 feet of the property line. The Mayor inquired if there would be a fire risk. Further discussions were held as to the layout. At some locations, they do allow for parking in the rear of the building. The applicant states that she can get with the legal team to see where they are on the agreement for the dog park.

Mayor Guthrie asks for a motion to approve item 22. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results.

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 23 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel

Others who spoke:

Mayor Guthrie asks for a motion to approve item 23. Councilor Revelis made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Revelis, Founds, Girard, Hirshey Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 24 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel

Others who spoke:

Joey Wiedel advises the council that the development would require for a Specific Use Permit for a CS-zoned area.

Mayor Guthrie asks for a motion to approve item 24. Vice Mayor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:5-0

Ayes: Founds, Revelis, Girard, Hirshey, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 25 on the Regular Agenda is up for discussion and consideration.

Item presented by Joey Wiedel, Development Services Director

Others who spoke:

Mayor Guthrie asks for a motion to approve item 25. Councilor Hirshey made a motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried:5-0

Ayes: Hirshey, Girard, Revelis, Founds, Guthrie

Nays: 0

- 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.

Mayor Guthrie said Item 26 on the Regular Agenda is up for discussion and consideration

Item presented by Justin Dowd, City Engineer

Others who spoke: City Manager Jared Cottle

Justin Dowd presented the council with this item and discussed a contract for the Alderwood Estates Sanitary Sewer. Justin advises the council that the staff has discussed this project at length. This project starts at Harvard Ponds approximately halfway between 41st and 151st on Harvard's west side. An 18-inch sanitary sewer picks up there and runs south to about the north side of the bridge on Harvard, then across and goes to Posey Creek flood plain down to 151st, then crosses to the south side of 151st. Providing this access to the subdivision that is being proposed at that location as well as opening up commercial development and access to sanitary sewer. In addition to that project, about 4,450 linear feet of 18-inch sanitary sewer, in addition to the Morris Bright Industrial Park. There was some sewer rehab work that needed to occur and then also in the Bixby Industrial Park which is about 700 feet of 8-inch sanitary sewer that this project will encompass and rehabilitate.

There were a total of 5 bids received and IRA Green Construction was the lowest and best bid. The City has done work with this company in the past. The bid was at \$2,036,300.00.

Councilor Girard inquires as to the row of acreage with homes on it south of the proposed commercial development on Harvard. Councilor Girard inquires if this will give those individuals access to the city sewer. Justin confirms if the location referenced is between 141 and 151st. Justin advises the council that it provides an ultimate point for them to get to the line, but the connection where it comes across at 151st would be close to about a half mile between Harvard and Lewis. With the Alderwood addition that is going in, whenever it is completely built, they would have sanitary sewer running throughout that whole area and would provide possible access to pretty much all the properties in that area.

City Manager Jared Cottle advises the council that the drainage basin will serve the basin. It probably doesn't take sewer to every property in this initial phase, but it brings it south of the highway. So that the city can extend that sanitary sewer further to the south and add more homes to it. Councilor Girard confirms if there will be potential to have those homes in the future. The depth is to serve everybody that drains into Posey Creek in that area south of 151st. The properties that Councilor Girard is referring to the Alderwood development provide sewer as it serves those lots and would have easy access to either develop those parcels or connect interests. They would have to extend over to it, but it would be there to pick up.

Mayor Guthrie inquires as to how many acres the project will serve. Justin Dowd believes it to be about 900 acres. The total of \$2,036,300.00 would be divided between the 900 undeveloped acres. Once a final cost is given, this project will come back to distribute that cost to anyone remaining in the undeveloped basin area. This would be an excess capacity fee like the city has done with other basins.

Mayor Guthrie asks for a motion to approve item 26. Councilor Girard made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

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

Mayor Guthrie said Item 27 on the Regular Agenda is up for discussion and consideration.

Item presented by Bea Aamodt, Public Works Director

Others who spoke:

Bea Aamodt advised the council of the approval of the contract for the Municipal Building with Miller Tippens that was approved back in August 2023. The contract amount originally was \$5,739,289.00. The construction manager, Miller Tippens, went back and renegotiated some of the pricing with a couple of the contractors to save a little bit of money. With the negotiations, deducts were taken from the mechanical contractor in the amount of \$40,000.00 and a deduction from the lighting package for \$41,450.00. This would bring a total deduction of \$81,450.00 from the original contract amount. The deductions changed the original amount from \$5,739,289.00 to \$5,657,939.00, so a change order is needed to reflect the new amount.

Mayor Guthrie asks for a motion to approve item 27. Councilor Revelis made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Revelis, Hirshey, Girard, Founds, Guthrie

Nays: 0

- 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

Mayor Guthrie said Item 28 on the Regular Agenda is up for discussion and consideration.

Item presented by Bea Aamodt, Public Works Director

Others who spoke:

Bea Aamodt advised the council that this item is the same project for the new Municipal Building and

The need for a new water and sewer infrastructure. Once the team started looking at the sewer line, they realized that the sewer line and the water line that runs on the south side of the building were undersized and old and would need to be replaced to make the infrastructure adequate for the development that will be going on in this area. The funds for this portion of the contract will come from Public Works funding. The approval of Change Order #2 will add \$159,170.90 to the original contract amount to bring the final new contract amount to \$5,817,109.90

Councilor Girard confirms this will assist the entire area downtown and will bring in water in that area. Bea confirms to the council that the changes were unforeseen, however, in the long run, it will benefit the new City Hall and all the new development in that area.

Mayor Guthrie asks for a motion to approve item 28. Councilor Girard made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

- 29) Discuss and/or take action on Traffic Calming proposal from Bixby Public Schools.

Mayor Guthrie said Item 29 on the Regular Agenda is up for discussion and consideration.

Item presented by Jared Cottle, City Manager

Others who spoke:

The City Manager, Jared Cottle, advises the council that this is a follow-up on an item where the superintendent came and discussed with the council about speed tables that would be installed along Riverview for traffic-calming with the new High School. A new site plan was provided for the council in the packet showing where those would be added in.

Councilor Hirshey inquires as to clarification of the final site plan in the packet.

Mayor Guthrie asks for a motion to approve item 29. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

- 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).

Mayor Guthrie said Item 30 on the Regular Agenda is up for discussion and consideration
Item presented by Jared Cottle, City Manager
Others who spoke:

City Manager Jared Cottle advised the council that the M.O.U came to the city from the tribal transportation facility with the Muskogee Creek Nation. This M.O.U is asking to add Bixby city roads to their road inventory. City Manager Jared Cottle advises the council that may not mean any additional funding but it does help them with their road allocation funding at the national level.

Jared discusses one of the things that the City learned while working on the bridge on 131st was that a few bridges and roads are within the tribal inventory. It also opens up to potential funding or future partnership funding. Jared clarifies that this does not mean there will be something done immediately or adding relief for the City other than adding roads to their inventory. Jared advises the council that the same was done several years ago on our trails, allowing the funding formula that works for larger inventory. They would have a larger allocation for the Muskogee Creek Nation.

Councilor Hirshey inquires if there is any downside. The City Manager advises the council that he cannot think of any downside and confirms this would be a partnership, and they would not be taking over any maintenance. The roads would still be within the city's jurisdiction and funding. Jared advises the council that with the 131st bridge, if it had been under a partnership they might have been able to bring assistance with some federal funding.

Mayor Guthrie asks for a motion to approve item 30. Councilor Girard made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:5-0

Ayes: Girard, Hirshey, Revelis, Founds, Guthrie

Nays: 0

Mayor Guthrie says the next time to be called is item 36 the City Managers report.

Recess Declared from this Agenda at 7:31pm.

The Mayor then calls the Bixby Public Works Authority Agenda before returning to call item 31

Resume

Time 7:34 pm

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.*

Mayor Guthrie said Item 31 on the Regular Agenda is to enter into an Executive Session

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

Carried:5-0

Ayes: Girard, Founds, Revelis, Hirshey, Guthrie

Nays: 0

Time: 7:35pm

Council enters Executive Session with City Manager and City Attorney

Time 10:37pm

Reconvene

Mayor Guthrie says no action was taken in Executive Session

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

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

Carried:5-0

Ayes: Founds, Revelis, Girard, Hirshey, Guthrie

Nays: 0

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.

Mayor Guthrie said Item 33 on the Regular Agenda is up for discussion and consideration. Reference to Item 31(A)

Councilor Hirshey moves for approval of \$50,000 up to \$57,000 allotment if murals are done on both the east and west walls to discourage any graffiti and to promote Bixby downtown area.

Mayor Guthrie asks for a motion to approve item 33. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Hirshey, Founds, Girard, Revelis, Guthrie

Nays: 0

No action was taken after the executive session as Item 31(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, opened by City of Bixby, Oklahoma.

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

Mayor Guthrie says no action taken on this item. -Reference to item 31c in executive Session

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

Mayor Guthrie says no action taken on this item. - Reference to item 31 d from Executive Session.

36) City Manager's Report

City Manager Jared Cottle gave the council a report on the following:

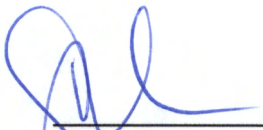
- Last meeting of the year and congratulate the Bixby Spartans with another State Championship
- Office closure on Monday 12/25 and also Monday 1/1/2024 for New Years.
- Launch of new permitting software; MyGov will launch on January 1st.
- Update on utility bill going out on 12/11 and due date changed.

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

An adjournment was called at 10:39 pm



City Clerk





Mayor

[illegible]