

City of Bixby City Council Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
December 13, 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 December 10th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 6:00 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.
Bea Aamodt, Public Works Dir.
Todd Blish, Police Chief
Justin Dowd, Asst. Engineer
Fire Chief, Joey Wiedel
Yvonne Adams, City Clerk

Pledge of Allegiance

Invocation was given by Phil Frazier

Mayor Guthrie said Item #1 on the Consent Agenda is:

City Clerks Report

Consider and approve:

- a) Minutes for the Work Session meeting dated 11/08/21.
- b) Minutes of the City Council Regular meeting minutes dated 11/08/21.
- c) Consider and or approve denial claim from Oklahoma Municipal Assurance Group (OMAG) to Jordyn Dewan.
- d) Discussion and possible action on authorizing Staff to solicit proposals for Zoning Code and Subdivision Regulation amendment services for

upcoming Zoning Code and Subdivision Regulation improvements and modifications.

- e) Discuss and/or approve purchase order for \$14,363.30 for the purchase of materials for the installation of a 36" culvert at Chilsom Ranch.
- f) Discuss and/or take action on accepting the installation of 6' x 4' RCB at the Saker Channel on Mingo Road; final project amount of \$46,550.
- g) Consider and/or take action on approval of adjustments to existing fees charged by the City of Bixby, by its agencies, boards and departments.
- h) Consider and/or take action on Resolution 2021-29 regarding OMAG request to distribute Escrow Account Funds.
- i) Approval of and authorization to executed purchase of a 2022 Ford F-250 through Bill Knight Ford in the amount of \$44,270.00, prices to include new vehicle along with all emergency equipment needed to place in service. The new vehicle will be purchased through state contract pricing using Capital improvement funds approved for TY-2022.
- j) Request to approve agreement with Fire Recovery USA, LLC, as a third party subrogation company to work on behalf of the City of Bixby in collection of insurance fees for the deployment of emergency and non-emergency services by the Bixby Fire Department for services provided/rendered by/for the City of Bixby.
- k) Accept the infrastructure at Robinson Ranch (Phase 2) Development, located at S 161st St between Memorial & Riverview, into the City's infrastructure.
- l) Approve or Disapprove entering into Automatic Aid with Jenks Fire Department for the sole purpose of providing and receiving Automatic Aid from both parties in the event of a structure fire.
- m) Discuss and/or approve purchase to Pro-Vision in the amount of \$159,660.00 for SecuraMax Bodycams and remote cloud storage.

- n) Discuss and/or approve purchase to Security Lines US, in the amount of \$26,120.00 for city wide camera project.
- o) Approval of contract with Hilborne & Weidman to serve as Bond Counsel for the City of Bixby, Bond Proposal, Resolution 2021-28, preparation and certification.
- p) Approval of Phil Frazier to serve as local Counsel for the City of Bixby, Bond Proposal, Resolution 2021-28, resolution through passage, approval and sale.
- q) Consider and take action on an Encroachment Agreement between the City and The Brumble Group, LLC, regarding the encroachment of a single-family residence into a utility easement. Location: Lot Eight (8), Block Two (2), Quail Creek Villas of Bixby, 7410 East 124th Place South, Bixby, Oklahoma, 74008.

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 asked for clarification on items “d, e, f, g, I, m, n with item “g” for a separate vote. Staff gave clarification on the items that were pulled. Vice Mayor Blair made motion to approve but item “g” for a separate vote, seconded by Councilor Crawford. Mayor Guthrie asked for an extension on item “k”. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Girard, Founds, Guthrie

No: None.

Item “g”

Mayor Guthrie asked for a motion on item “g”. Vice Mayor Blair made motion on item “g” with a scripture error to the corridor area waiver fee to reduce the amount from \$1,000 to \$500 fee, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None.

Mayor Guthrie pull item #16 up on the agenda.

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

Discussion and possible action on Ordinance Number 2370, Oral Roberts Evangelistic Association Corporate Offices, Rezone (BXZO-21.19). General Location: South side on 151st Street South and West of South Harvard Avenue, Bixby, Oklahoma.

Presented by: Carolyn Back

This item was brought before council to approve Ordinance Number 2370 for Oral Roberts Evangelistic Association Corporate Offices, Rezone.

Discussion continued.

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

Carried 4-1

Yes: Crawford, Guthrie, Girard, Founds

No: Blair

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

Discussion and possible action to declare an emergency regarding Ordinance Number 2370 making it effective immediately upon passage and approval.

Presented by: Carolyn Back

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

Carried 4-1

Yes: Founds, Crawford, Girard, Blair, Guthrie

No: Blair

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

Discussion and possible action for Tanner Consulting, LLC, Presley Heights West, Preliminary Plat (BXPT-21.10). General Location: 2920 E 141st Street South, Bixby, Oklahoma.

Presented by: Carolyn Back

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

Carried 5-0

Yes: Founds, Crawford, Girard, Blair, Guthrie

No: None.

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

Discussion and possible action for AAB Engineering, LLC, 141st and Lewis, Preliminary Plat (BXPT-21.17). General Location: SE/c of East 141st Street South and South Lewis Avenue, Bixby, Oklahoma.

Presented by: Carolyn Back

Others that spoke: Jason Mohler AAB Engineering

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

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None.

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

Discussion and possible action for Tanner Consulting, LLC, Haikey Creek Estates, Preliminary Plat (BXPT-21.16). General Location: 13500-Block of Mingo Road, Bixby, Oklahoma

Presented by: Carolyn Back

Others that spoke: Erik Enyart Tanner Consulting

This item is for Haikey Creek Estates Preliminary plat, located 13500 Block of Mingo Road. Development Services Director gave council a brief overview of the proposed project.

Mayor Guthrie asked for a motion on item #5. Councilor Crawford made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 4-1

Yes: Crawford, Founds, Blair, Guthrie
No: Girard

Mayor Guthrie recused from items 6-7.

Vice Mayor Blair said on Item #6 on the Regular Agenda is:

Discussion and possible action for Tanner Consulting, Robinson Ranch III, Final Plat (BXPT-18.06). General Location: South of the SE/c of 161st Street South and South Memorial Drive, Bixby, Oklahoma

Presented by: Carolyn Back
Others that spoke: Erik Enyart

Discussion continued.

Vice Mayor Blair asked for a motion on item #6. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Failed 2-2
Yes: Blair, Founds
No: Girard, Crawford

Mayor Guthrie recused from this vote.

Vice Mayor asked to open up this item. Council Girard made motion to reconsider this item, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 4-0
Yes: Girard, Crawford, Founds, Blair.
No: None.

Council Girard stated that he had more clarification on items 6-7 and wanted to bring back for a vote.

Vice Mayor Blair asked for a motion on item #6. Councilor Girard made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 4-0
Yes: Girard, Crawford, Founds, Blair.
No: None.

Vice Mayor Blair said on Item #7 on the Regular Agenda is:

Discussion and possible action for Tanner Consulting, Robinson Ranch III, Retaining Wall Easement and Utility Easement for City of Bixby water line.

Presented by: Carolyn Back

Vice Mayor Blair asked for a motion on item #7. Councilor Crawford made motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried 4-0

Yes: Crawford, Girard, Founds, Blair.

No: None

Mayor enters in at 7:11 p.m.

Councilor Girard left out of the council chambers.

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

Discussion and possible action on Ordinance Number 2371, TEP Engineering and Planning, Inc., Cox Nursing Facility, Rezone (BXZO-21.11). General Location: SE/c of South Memorial Drive and East 126th Street South, Bixby, Oklahoma.

Presented by: Carolyn Back

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

Carried 4-0

Yes: Blair, Founds, Crawford, Guthrie

No: None.

Councilor Girard left out of the council chambers.

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

Discussion and possible action to declare an emergency regarding Ordinance Number 2371 making it effective immediately upon passage and approval.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #9. Council Founds made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results.

Carried 4-0

Yes: Founds, Blair, Crawford, Guthrie

No: None.

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

Discussion and possible action on Ordinance Number 2372, TEP Engineering and Planning, Inc., Cox Nursing Facility, Specific Use Permit (BXSUP-21.03) and for Preliminary and Final Plats (BXPT-21.15). General Location: East of the SE/c of South Memorial Drive and East 126th Street South, Bixby, Oklahoma.

Presented by: Carolyn Back

Others that spoke: Beverly Molar, Steve Cox

This item was brought before you for a Preliminary and Final Plats for Box Nursing Facility. Carolyn Back Development services director gave council some background information on this proposed project.

Discussion continued.

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

Carried 3-1

Yes: Crawford, Guthrie, Founds

No: Blair

Approved pending second reading.

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

Discussion and possible action to declare an emergency regarding Ordinance Number 2372 making it effective immediately upon passage and approval.

Presented by: Carolyn Back

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

Fails 3-1

Yes; Founds, Guthrie, Crawford

No: Blair

Councilor Girard entered back into the council chambers.

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

Discussion and possible action for JR Donelson, South Bixby Mini-Storage, Detailed Site Plan (BXSP-21.05) and Preliminary Plat (BXPT-21.11). General Location: 15800-Block of South Memorial Drive, Bixby, Oklahoma.

Presented by: Carolyn Back

Mayor Guthrie asked for a motion on item #12. 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, Guthrie

No: Blair

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

Discussion and possible action on a Resolution 2021-29 providing for a Moratorium on approval for construction, new, or expansion, of additional Auto Wash facilities, (Use Unit 17) within the City of Bixby, Oklahoma until June 30, 2022.

Presented by: Carolyn Back

Mayor asked for a motion on item #13. Councilor Girard made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 3-2

Yes: Girard, Founds, Blair

No: Guthrie

Abstain: Crawford

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

Carried 5-0

Yes: Founds, Girard, Crawford, Blair, Guthrie

No: None.

Mayor Guthrie asked for a denial on item #13. Councilor Girard made motion, seconded by Councilor Founds. The vote was taken with the following results:

Deny 5-0

Yes: Girard, Founds, Crawford, Blair, Guthrie

No: None

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

Discussion and possible action on a Resolution 2021-26 providing for a Moratorium on approval for construction, new, or expansion, of additional storage units, and mini-storage units, (Use Unit 16 and Use Unit 22) within the City of Bixby, Oklahoma until June 30, 2022.

Presented by: Carolyn Back

Mayor asked for a motion on item #14. Vice Mayor Blair made motion to deny, seconded by Councilor Girard. The vote was taken with the following results:

Deny 5-0

Yes: Blair, Girard, Crawford, Founds, Guthrie

No: None

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

Discuss and/or take action on a contract with Beck Design in the amount not to exceed \$684,606.67 for the design of the Bixby Fire Station #1 and the design of PW/Fire Station Site infrastructure.

Presented by: Joey Wiedel

Mayor Guthrie stated that it is a scrivener's error on the PW that is removed.

Fire Chief Joey Wiedel asked for approval of the contract with Beck Design to design the Bixby Fire station.

Discussion continued.

Mayor Guthrie asked for a motion on item #15. Vice Mayor Blair made motion to approve, 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 #16 on the Regular Agenda is:

Discuss and/or take action on a legal services agreement for the creation of new TIF districts within the City of Bixby.

Presented by: Jared Cottle

Mayor Guthrie asked for a motion on item #16. 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 #17 on the Regular Agenda is:

Discuss and/or take action on approval of Economic Development Agreement with TBD, LLC for the Restaurants at Boardwalk.

Presented by: Jared Cottle

Mayor Guthrie asked for a motion on item #17. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None

Mayor Guthrie recess the regular meeting to open up BPWA and Bixby Industrial Authority Meeting at 8:35 p.m.

Mayor Guthrie opened the Regular meeting up at 8:47 p.m.

Mayor Guthrie said on Item #18 on the Regular Agenda is:

Motion to enter into Executive Session:

- a) Discussion on negotiations and/or purchase or lease of certain real property at 101 E. Dawes, owned by Cash & Catherine D Stevenson and/or their successors. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.*
- b) 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.*
- c) Discussion on legal services performance and contract review. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1.*

Mayor Guthrie asked to make a motion on item #18. Councilor Girard made motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Blair, Crawford, Blair, Guthrie
No: None

No action taken in executive session.

Council enter back into the council chambers at 12:00 a.m.

Mayor Guthrie said on Item #19 on the Regular Agenda is:

Motion to exit Executive Session and reconvene in open session.

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #19. Councilor Girard made motion, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

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

No: None

Mayor Guthrie said on Item #20 on the Regular Agenda is:

Consider and/or take action, if necessary, on the lease or purchase of real estate at 101 E. Dawes, owned by Cash & Catherine D Stevenson and/or their successors.

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #20. Vice Mayor Blair made motion for the City Manager and City Attorney to proceed with negotiations on said property, seconded Councilor Founds. The vote was taken with the following results:

Carried 4-1

Yes: Blair, Founds, Crawford, Guthrie

No: None

Abstain: Girard

Mayor Guthrie said on Item #21 on the Regular Agenda is:

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

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #21. Mayor Guthrie made motion to except the amendment for the City Manager's contract with a 5% raise and a 1 year extension, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair
No: None

Mayor Guthrie said on Item #22 on the Regular Agenda is:

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

Presented by: Mayor Guthrie

Mayor Guthrie asked for a motion on item #22. Mayor Guthrie made motion to amend the City Attorney's contract from 6,000 a month to 8,000 a month, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Founds, Crawford, Girard, Blair

No: None.

Councilor Girard wanted to move back to the Item #6-7. Mayor Guthrie recuse from the vote.

Mayor Guthrie said on Item #23 on the Regular Agenda is:

City Manager's Report

- December 4th was the lighting and it went well and was attended.
- Last Saturday was the Christmas parade went well and was highly attended.
- KXOJ on December 18th is coming up starting at 3:00 p.m. at Charley Young Events Park.

Mayor Guthrie said on Item #24 on the Regular Agenda is:

New business

Adjournment was called at 12:05 a.m.

Attest

Mayor

City Clerk

City of Bixby BPWA Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
December 13, 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 December 10th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 8:40 p.m.

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.
Bea Aamodt, PW Director
Justin Dowd, Asst. Engineer
Todd Blish, Police Chief
Yvonne Adams, City Clerk**

Mayor Guthrie 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 11/08/21.
- b) Consider and/or take action on approval of contract with Oklahoma Department of Human Services regarding a new Low Income Household Water Assistance Program (LIHWAP).

- c) Approve Purchase Order to purchase AMR meters and appurtenances from Core and Main for \$50,000.
- d) Discuss and/or take action on Water Tap Application for Jason Brown at 14772 East 171st Street South, Bixby, OK in Tulsa County, OK.

Mayor Guthrie asked for a motion on the BPWA consent agenda. Vice Mayor Blair asked to pull “b and d”. Staff gave clarification to those items. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Crawford, Girard, Guthrie

No: None.

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

Discuss and/or take action on a contract with Beck Design in the amount not to exceed \$514,588.33 for the design of the Public Works Maintenance Facility and the design of PW/Fire Station Site infrastructure.

Presented by: Bea Aamodt

Discussion continued.

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

Carried 5-0

Yes: Founds, Girard, Crawford, Blair, Guthrie

No: None.

Mayor Guthrie said on Item #2 on the Regular BPWA agenda is:

New Business

There being none.

Adjournment was called at 8:47 p.m.

MAYOR

ATTEST

SECRETARY

City of Bixby Industrial Authority Meeting

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
December 13, 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 November 5th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 8:47 p.m.

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.
Bea Aamodt, PW Director
Justin Dowd, Asst. Engineer
Todd Blish, Police Chief
Yvonne Adams, City Clerk**

Mayor Guthrie said on Item #1 on the Regular Bixby Industrial Authority agenda is:

New Business

There being none.

Adjournment was called at 8:47 p.m.