

Notice and Agenda Work Session Meeting of The Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
January 10, 2022, at 5:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Presentation and discussion on North River Access Park – Phase 2.

Jared Cottle

2. Presentation and discussion on 111 Cabaniss Renovations.

Jared Cottle

Notice of Posting

This Notice and Agenda was posted on the bulletin board January 7th 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
January 10th, 2022 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 Special Meeting dated 12/07/21.
- b) Minutes for the Work Session meeting dated 12/13/21.
- c) Minutes for the City Council meeting dated 12/13/21.
- d) Minutes for Bixby Industrial Authority dated 12/13/21.
- e) Consider and take action on Resolution 2022-1, calling for an election, April 5, 2022, for City Council Member for Ward 4 in accordance with Article 6 Sec 6-4, of the Bixby City Charter.

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.

- f) Acknowledge receipt of Oklahoma Department of Environmental Quality (ODEQ) Permit No. WL000072210693, Facility No. 1020418 and Permit No. SL000072210692, Facility No. S-20438, Robinson Ranch III.
- g) Consider and take action on an Encroachment Agreement between the City and Simmons Homes Residential Group, LLC, regarding the encroachment of a single-family residence into a utility easement. Location: Lot Four (4), Block Four (4), Willow Creek Estates, 9060 East 133rd Street South, Bixby, Oklahoma, 74008.
- h) Approve purchase order in the amount of \$7,775.00 to Thunderhead for materials testing services for the 2021 CIRP South Asphalt Pavement Rehabilitation Project.
- i) Approve purchase order in the amount of \$10,475.00 to Thunderhead for materials testing services for the 2021 CIRP North Asphalt Pavement Rehabilitation Project.
- j) Discuss and/or approve Agreement with Meshek and Associates for GIS Cloud Migration; contract is for an amount not to exceed \$14,980.
- k) Discuss and/or approve Change Order Requests for STP 121st and Mingo Intersection Improvement Project to correct contract items.

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

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Regular Agenda

1. Request to approve Resolution 2022-2 approving Project Plan for City of Bixby proposed Tax Increment Financing District No. 3, the “Downtown” District, and submit the same to the City Planning Commission and the to be established “Review Committee” for comment.

Jared Cottle

2. Request to approve Resolution 2022-3 approving Project Plan for City of Bixby proposed Tax Increment Financing District No. 4, the “Sitrin Industrial Park” and submit the same to the City Planning Commission and the to be established “Review Committee” for comment.

Jared Cottle

3. Request to appoint member of Council to serve as City’s representative on the Review Committees, to act as Chair for the same for consideration of comments to proposed Project Plans for Tax Increment Financing Districts No. 3 and No. 4. Said Chair to submit 5 names of Bixby residents, one of whom to be a business owner, to the Review Committee for selection of 3 to serve on Review Committee.

Jared Cottle

4. Second Reading 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.

Carolyn Back

5. Discussion and possible action on Ordinance Number 2382, Select Design – Ryan McCarty, Restaurants at Boardwalk, Rezone (BXZO-21.21) and Planned Unit Development (BXPUD-21.13). General Location: 8210 and 8218 East 121st Street South, Bixby, Oklahoma.

Carolyn Back

6. Discussion and possible action to declare an emergency regarding Ordinance Number 2382 making it effective immediately upon passage and approval.

Carolyn Back

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7. City Manager's Report

Jared Cottle

8. New Business

Mayor or Vice-Mayor

9. Adjournment

Mayor or Vice-Mayor

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of January 7th, 2022, on or before 6:00 p.m., at City Hall, 116 W. 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 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.

Bixby Public Works Authority Meeting

**Board of Trustees
Municipal Building
116 W. Needles Ave., Bixby, OK 74008
January 10th, 2022**

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 12/13/21.

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 January 7th 2022 on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Yvonne Adams

Secretary

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.

City of Bixby City Council Meeting Minutes

Special Meeting

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
Dec 7, 2021 5:30 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 3rd on or before 5:30 p.m.

Mayor Guthrie called the meeting to order at 5:30 pm.

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

Members Present

Crawford
Founds
Blair
Guthrie

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Yvonne Adams, City Clerk

1. Consider, discuss, amend, revise, and adopt a resolution authorizing the calling and holding of an election in the city of Bixby, state of Oklahoma, for the purpose of submitting to the registered, qualified electors of said city the question of the issuance of the general obligation bonds of said city in the sum of forty three million and no/100s dollars (\$43,000,000.00), to be issued in series, to provide funds (either with or without state or federal aid) for the purpose of acquiring, purchasing, constructing, equipping, improving, extending and beautifying public parks and park lands, cultural and recreation facilities, and acquiring necessary lands therefor, all to be owned exclusively by said city, as authorized by section 27, article x of the constitution and statutes of the state of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto; and in connection with said bonds, the question of levying and collecting an annual tax, in addition to all other taxes, upon all the taxable property in said city for the payment of the interest and principal on said bonds.

Presented by: Jared Cottle

Others that spoke: Rob Miller is the superintendent of Bixby Public Schools.

This item was brought before council to approve issuance of the general obligation bonds of said city in the sum of forty three million and no/100s

dollars (\$43,000,000.00). City Manager Jared Cottle gave a presentation to council and Rob Miller Superintendent of Bixby Public Schools gave his feedback and some background from the Bixby Schools in regard to the proposed project.

Mayor Guthrie asked for a motion on item #1. 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

Mayor

Attest:

City Clerk

City of Bixby City Council Work Session Meeting Minutes

**Dawes Conference Room
113 W Dawes, Bixby, OK 74008
December 13, 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 December 7th 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.

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
Todd Blish, Police Chief
Yvonne Adams, City Clerk

Mayor Guthrie said item #1 on the Work Session agenda is:

Discussion and presentation of updated development Services fee schedule.

Presented by: Carolyn Back

This item was brought before council to discuss the updated fee schedule, with some comparisons from different cities and what are they proposing for their review.

Discussion continued.
No action taken.

Mayor Guthrie said item #2 on the Work Session agenda is:

Discussion of Request for Proposal issuance on Zoning and Subdivision Regulation updates.

Presented by: Carolyn Back

This item was brought before council a proposal for building permit fee comparison from different cities for councils review and discussion.

Discussion continued.
No action taken.

Adjournment was called at 5:35 p.m.

Mayor

Attest

City Clerk

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.

Mayor

Attest

City Clerk

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.

RESOLUTION NO. 2022-1

**A RESOLUTION CALLING FOR AN ELECTION OF CITY
COUNCIL MEMBER, WARD 4, BIXBY, OKLAHOMA**

WHEREAS, the City Charter for the City of Bixby, Oklahoma, establishes a four-year term for each ward council member and the term for Council Member, Ward 4, ends April 13, 2022;

WHEREAS, the City Charter for the City of Bixby calls for an election of a Council Member to be held within the precincts lying within the ward boundaries of each ward upon expiration of each four-year term;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The filing period for candidates, Ward 4, is set to begin at 8:00 a.m., February 7, 2022, and end at 5:00 p.m. February 9, 2022; and, contests of candidacy may be filed until 5 p.m. on February 11, 2022; and,

The general election for Bixby City Council Member, Ward 4, shall be held April 5, 2022; and,

The next term for Bixby City Council Member, Ward 4, begins April 18, 2022; and,

A current map of the city's boundaries, including ward boundaries, is attached hereto, and made a part hereof, marked Exhibit A. A list of precincts within Ward 4 boundaries is included and attached as Exhibit B. There are no precincts within Ward 4 having no residents.

IT IS SO RESOLVED on this ____ day of _____, 2022, by the Bixby
City Council.

CITY OF BIXBY, OKLAHOMA,
A Municipal Corporation

By _____
Brian Guthrie, Mayor

ATTEST:

Yvonne Adams, City Clerk

APPROVED:

Phil Frazier, City Attorney

)

)

WITNESS my hand and seal of the County Election Board of said County this ____ day of _____, 20____.

3

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Acknowledge receipt of Oklahoma Department of Environmental Quality (ODEQ) Permit No. WL000072210693, Facility No. 1020418 and Permit No. SL000072210692, Facility No. S-20438, Robinson Ranch III.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This permit is for construction of 2,696 linear feet of 6" water line, 2,889 linear feet of 8" water line, 5,879.06 linear feet of 8" sanitary sewer and all appurtenances to serve Robinson Ranch III near 161st & Memorial.

The ODEQ requires that receipt of these permits be acknowledged at a City Council meeting.

EXHIBITS: ODEQ Permit(s) to Construct.

KEY ISSUE: Approve water line and sanitary sewer for Robinson Ranch III.

COUNCIL ACTION: Acknowledge receipt of permits.

RECOMMENDATION: Acknowledge receipt.

ITEM NO: _____

MEETING DATE: 01-10-2022

MEETING: City Council



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

October 27, 2021

Mr. Jared Cottle, City Manager
City of Bixby
116 W. Needles
Bixby, Oklahoma 74008

Re: Permit No. WL000072210693
Robinson Ranch III Waterline Extension
Facility No. 1020418

Dear Mr. Cottle:

Enclosed is Permit No. WL000072210693 for the construction of 2,696 linear feet six (6) inch potable water line, 2,889 linear feet eight (8) inch potable water line, and all appurtenance to serve the Robinson Ranch III Waterline Extension, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on October 27, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

A handwritten signature in black ink that reads "Qusay R. Kabariti".

Qusay Kabariti, P.E.
Construction Permit Section
Water Quality Division

QK/AC/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Justin P Morgan, PE, Tanner Engineering





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210693

WATER LINES

FACILITY No. 1020418

PERMIT TO CONSTRUCT

October 27, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 2,696 linear feet six (6) inch potable water line, 2,889 linear feet eight (8) inch potable water line, and all appurtenance to serve the Robinson Ranch III Waterline Extension, located in NW/4 of Section 25, T-17-N, R-13-E, Tulsa County, Oklahoma, in accordance with the plans approved October 27, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) This water line provides adequate fire flow in accordance with the 2009 International Fire Code through the approved hydraulic analysis. The fire flow provided is 1,000 gpm.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 3) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 4) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 7) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210693

WATER LINES

FACILITY No. 1020418

PERMIT TO CONSTRUCT

- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 12) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 13) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 14) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210693

WATER LINES

FACILITY No. 1020418

PERMIT TO CONSTRUCT

- 15) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink that reads "Rocky Chen". The signature is written in a cursive, flowing style.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

October 11, 2021

Mr. Jared Cottle, City Manager
City of Bixby
116 W. Needles
Bixby, Oklahoma 74008

Re: Permit No. SL000072210692
Robinson Ranch III Sanitary Sewer Extension
Facility No. S-20438

Dear Mr. Cottle:

Enclosed is Permit No. SL000072210692 for the construction of 5,879.06 linear feet eight (8) inch sewer line and all appurtenances to serve the Robinson Ranch III Sanitary Sewer Extension, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on October 11, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

A handwritten signature in blue ink that reads "Qusay R. Kabariti".

Qusay Kabariti, P.E.
Construction Permit Section
Water Quality Division

QK/AC/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Justin P Morgan, PE, Tanner Engineering





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210692

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

October 11, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 5,879.06 linear feet eight (8) inch sewer line and all appurtenances to serve the Robinson Ranch III Sanitary Sewer Extension, located in NW/4 of Section 25, T-17-N, R-13-E, Tulsa County, Oklahoma, in accordance with the plans approved October 11, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.
- 5) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210692

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

- 7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 10) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 11) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 12) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 13) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210692

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink that reads "Rocky Chen". The signature is written in a cursive, flowing style.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division



CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and take action on an Encroachment Agreement between the City and Simmons Homes Residential Group, LLC, regarding the encroachment of a single-family residence into a utility easement. Location: Lot Four (4), Block Four (4), Willow Creek Estates, 9060 East 133rd Street South, Bixby, Oklahoma, 74008.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: The contractor built a single family residence over the 7.5 feet side yard utility easement, placing the home within 2.5 feet of the City's 48-inch storm sewer line. Special consideration is needed when performing maintenance in such close proximity to a home. A quote for a repair to this line was solicited. In consideration of receipt of payment by the City from the applicant in the sum of \$17,365.00, the City would agree to permit the encroachment to remain in the easement.

EXHIBITS: Encroachment Agreement
Cost Estimate

KEY ISSUE: Approve Encroachment Agreement

COUNCIL ACTION: Approve

RECOMMENDATION: Approval.

ITEM NO: _____

MEETING DATE: 1-10-2022

MEETING: City Council

ENCROACHMENT AGREEMENT AND RELEASE OF LIABILITY

This Encroachment Agreement and Release of Liability for an encroachment on a Public Easement/Right-of-Way is entered into by and between the CITY OF BIXBY, an Oklahoma municipality (City), and SIMMONS HOMES RESIDENTIAL GROUP, LLC (Owner).

The City owns public easements and/or rights-of-way across and upon Owners' property. Said property is more particularly described as:

SEE EXHIBIT "A" – MORTGAGE INSPECTION PLAT

also known as LOT FOUR (4), BLOCK FOUR (4), WILLOW CREEK ESTATES and known as 9060 EAST 133RD STREET SOUTH.

Owner has, without the permission of the City, constructed or permitted the construction of structures or other encroachments, namely a single-family house upon the public easement/right-of-way on said property, described as:

SEE EXHIBIT "B" – ENCROACHMENT AREA

In consideration of receipt of payment by the City from the Owner in the amount of seventeen thousand three hundred sixty-five and 00/100th dollars (\$17,365.00), the City agrees to permit Owner, their successors and assigns to maintain the following obstruction (collectively "Obstructions and Encroachments") which are encroaching into the Utility Easement, subject to the terms of this Agreement:

- (1) A single-family house.

In further consideration of the payment received, the City shall and does by this Agreement release Owner from any further obligation or liability to the City for construction of Obstructions and Encroachments into the Utility Easement, except as otherwise provided in this Agreement.

This Agreement shall be subject to and subordinate to the City's right to maintain, use, alter, or excavate any portion of the Utility Easement. This Agreement shall also be subject to and subordinate to any rights heretofore or hereafter granted to any public utility or franchise holder, to construct, install, operate, maintain, repair, or replace any utility or appurtenance thereto, or to use any portion of the Utility Easement.

It is specifically agreed that no additional Obstructions and Encroachments shall be permitted on the Utility Easement, and should removal, construction and/or excavation by the City become necessary, Owner, their successors and assigns shall hold the City harmless for any loss or damage incurred during the removal of any of the identified obstructions and encroachments, including any loss or damage to property or improvements located outside the Utility Easement.

The Owner's single-family house encroachment into the Utility Easement is *de minimis*. As such, the City does not anticipate ever having to remove it in order to repair or replace its storm sewer line, and will use its best efforts to avoid any such removal. If removal of the single-family house is necessary to any repair or replacement, the Owner, their successors and assigns shall hold the City harmless for any loss or damage incurred during the removal.

If and when the occasion arises that the City or any public utility or franchise holder, in their sole discretion, determine they must enter the Utility Easement and remove any of the identified Obstructions and Encroachments to construct, maintain, operate, repair, replace, and/or remove any and all public utilities, including storm sewers, sanitary sewers, telephone and communication lines, electric power lines and transformers, gas lines, water lines, cable television lines, and other services, together with all fittings, including poles, wires, conduits, pipes, valves, meters, and equipment for each of such facilities, and any other appurtenances thereto, or should any obstruction or encroachment be damaged or destroyed by any cause to the extent equal to or greater than fifty per-cent (50%) of the replacement cost for same, the Owner, their successors and assigns shall not reconstruct or in any manner replace any of the Obstructions and Encroachments removed, in whole or in part.

Nothing in this Agreement shall relieve Owner from the obligation to otherwise comply with the covenants and restrictions contained in the Willow Creek Estates Deed of Dedication and Restrictive Covenants, any other laws and regulations, and to obtain all necessary permits.

As a condition to this agreement being effective, this Agreement shall be recorded by Owner in the office of the Tulsa County Clerk and Owner shall provide the City with a copy of such filed Agreement. Thereafter, the permission granted by this Agreement shall inure to the benefit of and bind Owner, their successors in title and assigns. This Agreement is perpetual and runs with the land forever.

I HAVE READ THE ABOVE STATEMENT AND I UNDERSTAND IT. I HAVE SOUGHT AND OBTAINED ANY AND ALL LEGAL ADVICE I NEEDED OR MAY HAVE NEEDED PRIOR TO SIGNING THIS DOCUMENT, AND I SIGN THIS DOCUMENT FREELY AND VOLUNTARILY.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates set forth below.

"CITY"

CITY OF BIXBY, a municipal corporation

By: _____

Mayor

"OWNERS"

SIMMONS HOMES RESIDENTIAL GROUP, LLC

a limited liability corporation

By: Lonnie Shackelford

Lonnie Shackelford

Approved by the City Council of the City of Bixby, Oklahoma on: _____

City Clerk

City Attorney

ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
COUNTY OF Tulsa) SS

This instrument was acknowledged before me on 3rd day January by Lonnie Shackelford, as Manager of Simmons Homes Residential Group, LLC.
Commission No. 08009318
Expiration Date: 9-23-2024



STATE OF OKLAHOMA)
COUNTY OF TULSA) SS

This instrument was acknowledged before me on _____ by Brian Guthrie, as Mayor of the City of Bixby, Oklahoma.
Commission No. _____
Expiration Date: _____

Notary Public
(SEAL)

MORTGAGE INSPECTION PLAT



1"=30'

PROJECT NO.: 193290-560

MORTGAGOR: Cynthia L. King

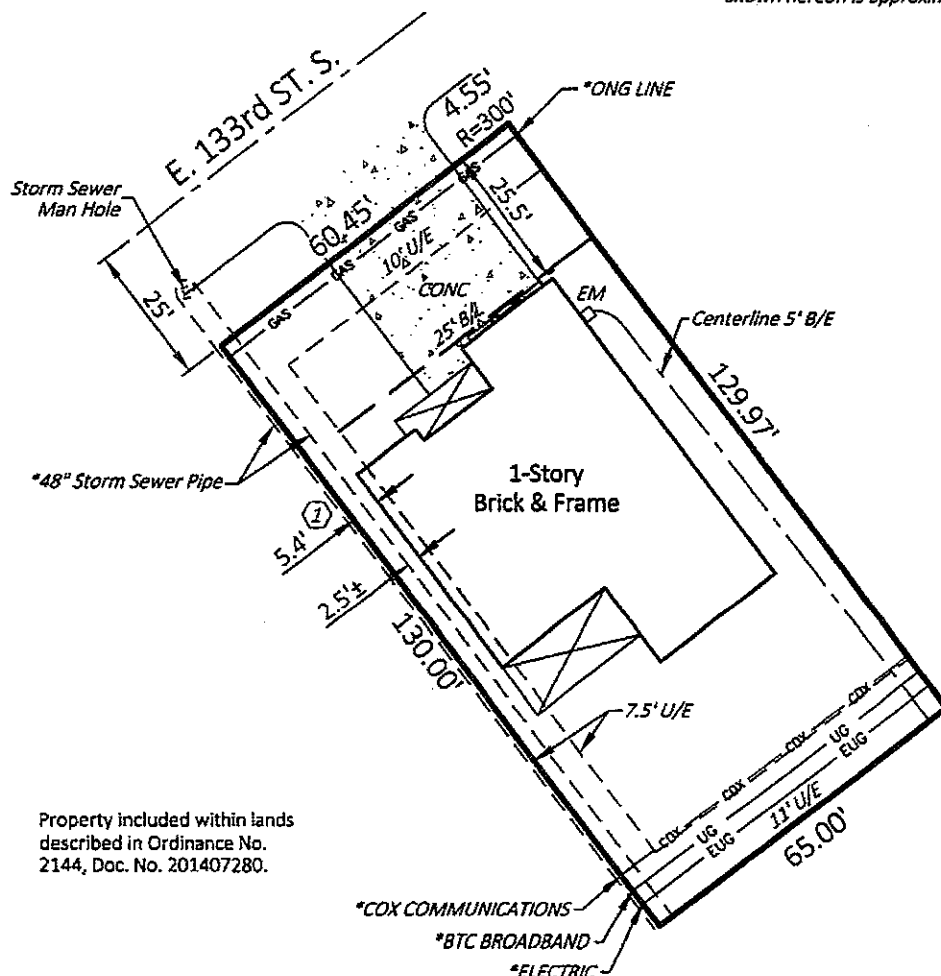
CLIENT: Executives Title & Escrow Company, LLC
First Oklahoma Mortgage LLC, a subsidiary of First Oklahoma Bank
File No.: 18120142

LEGEND

B/E	BURIED ELECTRIC
	SERVICE CABLE ESMT
	(APPROX LOCATION)
B/L	BUILDING LINE
D/E	DRAINAGE EASEMENT
U/E	UTILITY EASEMENT
EM	ELECTRIC METER

① Dwelling is 2.1' into U/E

**The location of Underground Utilities shown hereon is approximate.*



Property included within lands described in Ordinance No. 2144, Doc. No. 201407280.

PLAT NO. 6625

LEGAL DESCRIPTION AS PROVIDED:

LOT FOUR (4), BLOCK FOUR (4), WILLOW CREEK ESTATES, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 9060 EAST 133rd STREET SOUTH.

SURVEYOR'S STATEMENT

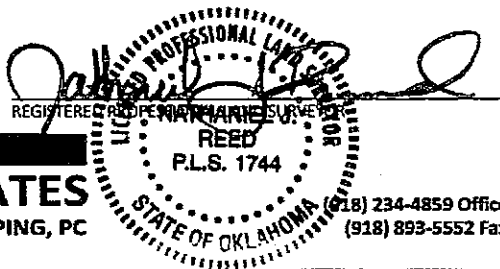
Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4556 renewal date: June 30, 2019, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat shows all Recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagee and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed herein as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

WITNESS MY HAND AND SEAL THIS DATE: 4/29/2019
 REVISED: _____

UPDATED: _____

**5807 South Garnett Road, Suite K
Tulsa, Oklahoma 74146**

**HARDEN &
ASSOCIATES**
SURVEYING AND MAPPING, PC



(918) 234-4859 Office
(918) 893-5552 Fax



1"=30'

PROJECT NO.: 193290-560

MORTGAGOR: Cynthia L. King

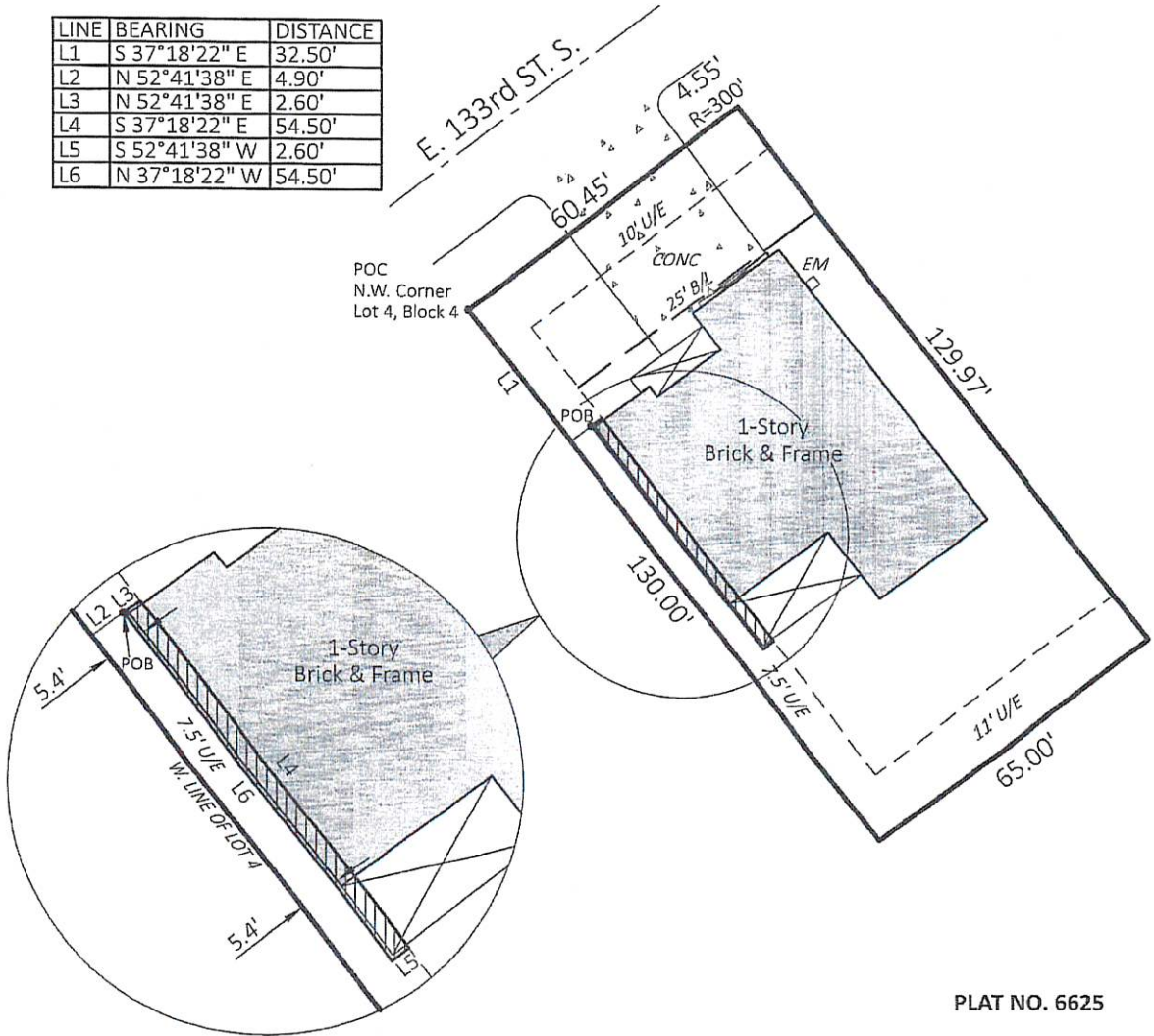
CLIENT: Executives Title & Escrow Company, LLC
First Oklahoma Mortgage LLC, a subsidiary of First Oklahoma Bank
File No.: 18120142

EASEMENT ~~CLOSURE~~ ENCROACHMENT AREA

LEGEND

- POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
Easement Closure
141.70 s.f. or 0.0033 acres, more or less

LINE	BEARING	DISTANCE
L1	S 37°18'22" E	32.50'
L2	N 52°41'38" E	4.90'
L3	N 52°41'38" E	2.60'
L4	S 37°18'22" E	54.50'
L5	S 52°41'38" W	2.60'
L6	N 37°18'22" W	54.50'



PLAT NO. 6625

LEGAL DESCRIPTION AS PROVIDED:

LOT FOUR (4), BLOCK FOUR (4), WILLOW CREEK ESTATES, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 37°18'22" EAST AND ALONG THE WEST LINE OF SAID LOT 4, FOR A DISTANCE OF 32.50 FEET; THENCE NORTH 52°41'38" EAST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 4.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 52°41'38" EAST, FOR A DISTANCE OF 2.60 FEET; THENCE SOUTH 37°18'22" EAST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 54.50 FEET; THENCE SOUTH 52°41'38" WEST, FOR A DISTANCE OF 2.60 FEET; THENCE NORTH 37°18'22" WEST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 54.50 FEET TO THE POINT OF BEGINNING.

WITNESS MY HAND AND SEAL THIS DATE: 3/6/18

REVISED:

UPDATED:

5807 South Garnett Road, Suite K
Tulsa, Oklahoma 74146

HARDEN & ASSOCIATES
SURVEYING AND MAPPING, PC



(918) 234-4859 Office
(918) 893-5552 Fax

DEVELOPER'S PAVING COMPANY, L.L.C.
12150 E. 96TH STREET NORTH, SUITE 200
OWASSO, OK 74055
918-274-0406

DVP Proposal - Willow Creek

August 24, 2021

Mr. Lonnie Shackelford
Simmons Homes Residential Group

Re: 9060 E. 133rd Street South, Bixby, OK

Dear Mr. Shackelford:

We hereby propose to furnish labor, material and equipment to perform the following for the project referenced above:

Remove and reinstall 48" RCP storm water line G:	
Mobilization	\$ 2,050.00
Replace two joints 48" RCP @ \$1,120.00 each	2,240.00
Connect to existing - 2 @ \$500.00 each	1,000.00
Shoring - 1	4,950.00
Sod and restoration - 250 s.y. @ \$4.50/p.s.y.	1,125.00
Re-install 152 l.f. 48" pipe	<u>6,000.00</u>
Total	\$17,365.00

Excludes: fence removal or replacement

If the above proposal is acceptable to you, please sign in the space provided below of your acceptance of this proposal.

Contractor's Acceptance:

By: Brian Doyle, Mgr. 8-24-21
Name, Title Date

Owner's Acceptance:

By: Lonnie Shackelford, president 1-3-22
Name, Title Date

RECEIVED
JAN 03 2022
CITY OF BIXBY

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve purchase order in the amount of \$7,775.00 to Thunderhead for materials testing services for the 2021 CIRP South Asphalt Pavement Rehabilitation Project.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Thunderhead Testing is providing the materials testing for the 2021 CIRP South Asphalt Pavement Rehabilitation Project.

Testing will include:

- Soils, Aggregates, Concrete, Asphalt

EXHIBITS: Proposal

KEY ISSUE: Required materials testing.

COUNCIL ACTION: Approve purchase order.

RECOMMENDATION: Approve purchase order.

ITEM NO: _____

MEETING DATE: 01-10-22

MEETING: Council



1720 e. 137th Street
Bixby, OK 74008
(918) 864-5160

Jon Brown
City of Bixby
116 Needles Ave
Bixby, OK 74008

November 17, 2021

Re: TR21-2105 (South)

Dear Jon:

This letter includes a quotation for construction materials testing services that you requested on November 15, 2021. The total cost for the services mentioned is estimated at \$7,775.00. The scope of testing is outlined on the attached table. Each test has a unit cost and extended cost for the project.

Please do not hesitate to call if I can provide any additional information.

Thank you,

Cynthia Y. Lynn
President



1720 e. 137th Street
Bixby, OK 74008
(918) 864-5160

City of Bixby Project Number: TR21-2105			
Test	Unit Rate	Quantity	Extended Cost
Nuclear Density	\$75.00	2	\$150.00
Proctor	\$150.00	2	\$300.00
Sieve Analysis	\$125.00	1	\$125.00
HMA	\$750.00	8	\$6,000.00
Cores	\$150.00	8	\$1,200.00
		Total:	\$7,775.00

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Approve purchase order in the amount of \$10,475.00 to Thunderhead for materials testing services for the 2021 CIRP North Asphalt Pavement Rehabilitation Project.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Jon Brown

BACKGROUND: Thunderhead Testing is providing the materials testing for the 2021 CIRP North Asphalt Pavement Rehabilitation Project.

Testing will include:

- Soils, Aggregates, Concrete, Asphalt

EXHIBITS: Proposal

KEY ISSUE: required materials testing.

COUNCIL ACTION: Approve purchase order.

RECOMMENDATION: Approve purchase order.

ITEM NO: _____

MEETING DATE: 01-10-22

(MEETING: Council



1720 e. 137th Street
Bixby, OK 74008
(918) 864-5160

Jon Brown
City of Bixby
116 Needles Ave
Bixby, OK 74008

November 17, 2021

Re: TR21-2104

Dear Jon:

This letter includes a quotation for construction materials testing services that you requested on November 15, 2021. The total cost for the services mentioned is estimated at \$10,475.00. The scope of testing is outlined on the attached table. Each test has a unit cost and extended cost for the project.

Please do not hesitate to call if I can provide any additional information.

Thank you,

Cynthia Y. Lynn
President



1720 e. 137th Street
Bixby, OK 74008
(918) 864-5160

City of Bixby Project Number: TR21-2104			
Test	Unit Rate	Quantity	Extended Cost
Nuclear Density	\$75.00	2	\$150.00
Proctor	\$150.00	2	\$300.00
Sieve Analysis	\$125.00	1	\$125.00
HMA	\$750.00	11	\$8,250.00
Cores	\$150.00	11	\$1,650.00
		Total:	\$10,475.00

COUNCIL AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve Agreement with Meshek and Assoicates for GIS Cloud Migration; contract is for an amount not to exceed \$14,980.

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Bea Aamodt

BACKGROUND: Currently the Bixby data and viewer for GIS is contained in servers at the offices of Meshek and Associates. However, due to storage constraints, it has become necessary to migrate the GIS to a Cloud based environment.

EXHIBITS: Agreement

KEY ISSUE: Approval

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 01-10-22

MEETING: Council

1437 S. Boulder Ave.
No. 1550
Tulsa, OK 74119
[o] 918.392.5620
[f] 918.392.5621
meshekengr.com



December 8, 2021

Ms. Bea Aamodt
City of Bixby
116 W Needles
Bixby, OK 74008

Bixby GIS Cloud Migration

Dear Madam:

Meshek & Associates, LLC (Meshek) appreciates the opportunity to continue to support the GIS needs of the City of Bixby. Based on previous work and discussions with staff, and evolutions in the pricing and capabilities of service offerings in the broader GIS environment, we propose to migrate our existing GIS viewers and data into the City's own cloud-based ArcGIS Online platform, removing them from our own servers.

To perform this work, we propose the following tasks and accompanying fees in **Table 1** below.

Table 1: Cost Summary

BIXBY GIS CLOUD MIGRATION	
General Task Description	Cost
Data and Viewer Application Migration to City's ArcGIS Online Account	\$14,980
Total:	\$14,980

This estimate comprises migrating the main internal viewer and the light-weight cemetery-only viewer (and their associated data) into the ArcGIS Online environment; performing the necessary configuration updates to allow these viewers to work in the new environment; and updating certain data references to 3rd party sites which can now be used to maintain more nearly-real-time data currency (such as to parcel data). Any new applications or further systems administration work, if requested, would be considered as a separate project from this scope.

We are excited for the opportunity to continue working with the City of Bixby. Should this proposal be acceptable, we will prepare a contract document for your review and execution. If you have any questions, please do not hesitate to contact me directly via phone or email.

Sincerely,

A handwritten signature in black ink that reads "Michael Couch". The signature is fluid and cursive.

Michael Couch
GIS Department Manager
[o] 918.392.5620, ext. 222
mcouch@meshekengr.com

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve Change Order Requests for STP 121st and Mingo Intersection Improvement Project to correct contract items

INITIATOR: Bea Aamodt, Director

STAFF INFORMATION SOURCE: Bea Aamodt, Director

BACKGROUND: The 121st and Mingo Intersection Improvement Project is underway. The Oklahoma Department of Transportation has approved change orders 1 and 2 to make changes to the contract. No additional funds are requested with these change orders.

Change Order No.1 – corrects a miss-identified bid item
Change Order No. 2 – Penalty imposed for DBE violation

EXHIBITS: Change Orders #1 and #2

KEY ISSUE: STP Grant Projects – cost share

COUNCIL ACTION: Approve

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 01-10-2022

MEETING: Council

**Oklahoma Department of Transportation
Change Order**

Contract ID	210195	Primary County	TULSA	Primary PCN	28656(04)
Change Order Nbr	001	Project	STP-172B(533)IG		
Contract Description	INTERSECTION MODIFICATION AND TRAFFIC SIGNALS CITY STREETS (SOUTH MINGO ROAD): AT THE INTERSECTION OF EAST 121ST STREET, 1.0 MILE EAST OF US-64 IN THE CITY OF BIXBY. PROJECT LENGTH = 0.410 MILES				
Change Order Type	SUPPLEMENTAL AGREEMENT				
Zero Dollar Change Order	NO		Status	Draft	

General Change Order Description(s): This Change Order corrects the misidentified line item description "Class A Concrete, Small Structures" with line item description "Class AA Concrete". This change order has no additional cost.

Prj Nbr	Item Nbr	Catg	Item Code	Unit	Unit Price	Bid Qty	Prev. Apprvd Qty	Curr CO Qty	New Revised Qty	Amount of Change
28656(04)	0150	0100	509(C) 0322	CY	\$1,500.00	10.00	10.00	-10.00	0.00	
			CLASS A CONCRETE, SMALL STRUCTURES							
			Item Description:							This Change: \$-15,000.00
			Supplemental Description 1:							Prev Revised: \$15,000.00
			Supplemental Description 2:							New Revised: \$0.00
										Bid Contract: \$15,000.00
										Net Change: \$-15,000.00
										PCT Change: -100 %
			Explanations:							
			The "Class A Concrete, Small Structures" line item is listed in the Pay Item summary, however the plan sheets and structure standard RCB-C1-6(14-20) requirements specify that "Class AA Concrete" is to be used. The "Class A Concrete, Small Structure" line item description is being removed and "Class AA Concrete" line item description is being added so that the correct historical data will be shown in the SiteManager system. Class AA Concrete will be used for the 6x3 RCB extension as shown on sheet R005 in the plans.							
28656(04)	8000	0100	509(A) 0319	CY	\$1,500.00	0.00	0.00	10.00	10.00	
			CLASS AA CONCRETE							
			Supplemental Description 1: Replaces Line Item Class A Concrete, Small Structures							This Change: \$15,000.00
			Supplemental Description 2:							Prev Revised: \$0.00
										New Revised: \$15,000.00
										Bid Contract: \$0.00
										Net Change: \$15,000.00
										PCT Change: 100.00 %
			Explanations:							
			The "Class A Concrete, Small Structures" line item is listed in the Pay Item summary, however the plan sheets and structure standard RCB-C1-6(14-20) requirements specify that "Class AA Concrete" is to be used. The "Class A Concrete, Small Structure" line item description is being removed and "Class AA Concrete" line item description is being added so that the correct historical data will be shown in the SiteManager system. Class AA Concrete will be used for the 6x3 RCB extension as shown on sheet R005 in the plans.							

TOTAL VALUE FOR CHANGE ORDER 001 : \$0.00

Contract Time Adjustments

No contract time adjustments are associated with this change order.

Contract ID	210195	Primary County	TULSA	Primary PCN	28656(04)
Change Order Nbr	001	Project	STP-172B(533)IG		

Prime Contractor's Section

As the duly authorized representative of PARAGON CONTRACTORS, LLC, contractor for the above referenced project, I affirm that I have reviewed the above and foregoing prices, quantities and days for the changed or additional work, and I agree that the quantities and prices as are herein listed and the extension of time to perform the change or additional work as shown above will adequately compensate the contractor for the changed or additional work. I understand that the quantities as listed above are estimated and may be subject to revision upon audit of the project. I further understand that the change order/supplemental agreement fully compensates the contractor for the changed or additional work and is in lieu of cost accounting for the work actually performed or submission of a claim as provided by the standard specifications for highway construction and special provisions to the contract.

Wade Foster
Signature

Wade Foster
Name(Printed)

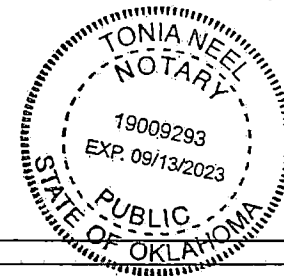
Managing Member
Company Title

Subscribed and sworn before me this 21st day of December year of 2021

My commission expires 09/13/2023

Tonia Neel
Notary Public

19009293
Commission Number



Oklahoma Department of Transportation Section

The prices for the additional items have been compared with other contract prices and are a fair amount for the work involved.
Respectfully requested by:

P.E. Seal

Department Personnel

Approval Date

Signature

Contract ID	210195	Primary County	TULSA	Primary PCN	28656(04)
Change Order Nbr	001	Project	STP-172B(533)IG		

Local Government Section

I acknowledge the work indicated on this Change Order. I understand the final costs of this work will be reflected in the final cost apportionment.

City/County Official

Date Acknowledged

**Oklahoma Department of Transportation
Change Order**

Contract ID	210195	Primary County	TULSA	Primary PCN	28656(04)
Change Order Nbr	002	Project	STP-172B(533)IG		
Contract Description	INTERSECTION MODIFICATION AND TRAFFIC SIGNALS CITY STREETS (SOUTH MINGO ROAD); AT THE INTERSECTION OF EAST 121ST STREET, 1.0 MILE EAST OF US-64 IN THE CITY OF BIXBY. PROJECT LENGTH = 0.410 MILES				
Change Order Type	CHANGE ORDER				
Zero Dollar Change Order	NO		Status	Draft	

General Change Order Description(s): This change order adds one new pay item to the contract (Construction Miscellaneous). During construction, it was found that the prime contractor was in violation of Special Provision 103-3 (a-b)09 by having a DBE subcontractor work without an approved subcontract. A decision was made to penalize the contractor 20% of the item cost for pay items worked on before a subcontract was approved.

Prj Nbr	Itm Nbr	Catg	Item Code	Unit	Unit Price	Bid Qty	Prev. Apprvd Qty	Curr CO Qty	New Revised Qty	Amount of Change
28656(04)	8001	0100	104 0700	LS	\$-1,372.20	0.00	0.00	1.00	1.00	
			Item Description:		CONSTRUCTION MISCELLANEOUS					This Change: \$-1,372.20
			Supplemental Description 1:		Penalty for DBE Violation					Prev Revised: \$0.00
			Supplemental Description 2:							New Revised: \$-1,372.20
										Bid Contract: \$0.00
										Net Change: \$-1,372.20
										PCT Change: 100.00 %

Explanations:

In a meeting with representatives from Civil Rights Division, ODOT General Council and Senior Staff it was decided that, after review of the documentation and communication submitted by the contractor, that a more appropriate penalty for the violation of contract regulations would be 20% of the item costs or \$1,372.20. This falls in line with the nature of this being a first-time offense, being administrative in nature, and and not being a purposeful attempt to circumvent regulations or provisions of the contract.

TOTAL VALUE FOR CHANGE ORDER 002 : \$-1,372.20

Contract Time Adjustments

No contract time adjustments are associated with this change order.

Contract ID	210195	Primary County	TULSA	Primary PCN	28656(04)
Change Order Nbr	002	Project	STP-172B(533)IG		

Local Government Section

I acknowledge the work indicated on this Change Order. I understand the final costs of this work will be reflected in the final cost apportionment.

City/County Official

Date Acknowledged

RESOLUTION No. 2022-3

WHEREAS, the City of Bixby desires to see economic development, added employment, and revitalization in the core Down Town area, which due to its age is considered a "Blighted Area" per the provisions of the "Oklahoma Local Development Act" Title 62 Okla. Stat. Sec. 850 et al.

There has been proposed a "Project Plan" developed to address the above goals and providing for financing to assist in achieving the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the CITY of BIXBY, OKLAHOMA, that the Project Plan, for "City of Bixby Tax Increment Financing District No. 3", as submitted, be approved and forwarded to the City Planning Commission and the to be established "Review Committee " for comment.

Approved this _____ day of January, 2022.

CITY of Bixby, OKLAHOMA

By: _____

Mayor

Attest:

Clerk (seal)

Approved as to Form

City Attorney

City of Bixby

Tax Increment Financing District No. 3

Project Plan

Resolution No. 2022-3 Approved by City Council on January 10, 2022.

Impact on Taxing Jurisdictions:

Although the TIF will cease when \$39,857,094 is collected, it is estimated that at the end of twenty-five years, that the ad valorem revenue available to the taxing jurisdictions will have increased to approximately \$2,023,405 annually (See Exhibit "C"). This increase for the benefit of the taxing jurisdictions is as a result of the anticipated developments which would not occur without the formation of TIF District No. 3.

Method of Financing the Project Costs:

If the City were to prefund any qualified projects, the same would require a three-fifths (3/5) affirmative vote of the entire membership of City Council. Any prefunded expenses by the City or its Trusts shall be reimbursed prior to any other qualified expenses by third parties, unless otherwise approved by a majority of Council. Other projects will be based upon a reimbursement of qualified costs actually expended by the developers, to the extent TIF revenues are collected, and after disbursement to the various taxing entities of twenty percent (20%) of the TIF District proceeds collected by the City of Bixby.

Map Showing Existing Uses and Conditions:

Most tracts within the District are developed, but some will require change in uses.

Proposed Changes in Zoning:

It is not anticipated that there will be zoning changes except for redevelopment of existing Bixby Public School's Administrative Complex into a Mixed-Use development. Other elevated parking garages may require rezoning of tracts or approved under a Specific Use Permit.

Proposed Changes in Comprehensive Plan and Ordinances to Implement Project Plan:

The proposed uses are within the Comprehensive Plan guidelines.

Individual in Charge of Implementation of Project Plans:

Jared Cottle, Bixby City Manager, or his designee, successor, or assign.

Public Entity Authorized to Carry Out Project Plan:

The City of Bixby, Oklahoma and/or the Bixby Public Works Authority

Introduction

The City of Bixby contains areas that could develop commercially, industrially, and other mixed uses if adequate infrastructure and other public improvements were in place. Much of these areas are in part within the 100-year floodplain, making it economically cost prohibitive to develop unless water, sewer, storm water drainage, roadway extensions, floodplain modification or other improvements are first in place.

Creation of the district would provide the funding necessary to provide parking facilities and transition of the Bixby Public School's Administrative Complex to a Mixed-Use development and other improvements to serve as a catalyst for expanding employment, to reverse economic stagnation or decline, to attract major investment in the area and to preserve or enhance the tax base in the area of the district, as well as the area structures are in excess of thirty-five (35) years old which under the Oklahoma Local Development Act (Title 62 Okla. Stat. §850 et seq.) qualifies the proposed district as a "reinvestment area" and a "blighted area".

Tax Increment Districts

Under the Local Development Act, a tax increment financing district (TIF) can be formed to fund improvements. Under a TIF, the assessed valuation of the properties within the district is established by the county assessor as a base valuation. Once the district is formed and commences, then any increase in the ad valorem taxes over the base valuation may be used to fund the projects designed under the TIF development plan. All of the jurisdictions that receive ad valorem taxes would continue to receive what they had under the base valuation. Only the increases over the base in the district would go toward the funding of the TIF projects. In addition, the business personal property tax increases over the base can be used to fund the proposed projects. However, under this proposed Plan, the City of Bixby would remit twenty-percent (20%) of the ad valorem and business personal property taxes it receives for funding the TIF District to the various taxing entities in the proportionate amount that they would normally receive based upon the property tax statement each year from the Tulsa County Treasurer's office. This use of ad valorem tax increase and business personal property tax for improved improvements is only to be for a period of time deemed sufficient to fund the designated projects. By law, this could be up to twenty-five years. Under the proposed plan the District would have a life of twenty-five (25) years or until the amount of proposed funding is achieved, whichever comes first.

The advantage to the jurisdiction that relinquished the increases of ad valorem and business personal property taxes is that at the expiration of the TIF term they now will receive an increase which would not normally have occurred without the improvements for which the TIF had been created.

On February 25, 2019, after a public hearing, the Bixby City Council pursuant to Resolution No. 2019-7, established a policy and guideline for approval of a TIF District. The policy provides that:

1. The district must be a reinvestment area, historic preservation district area, or an enterprise area (state or federal) which is unproductive, undeveloped, and under-developed or a blighted area.
2. The district must improve and enhance the value of real property in the area and promote the general public interest.

3. The district must adhere to the requirement that the aggregate net assessed value of all TIF or exemption districts must not exceed 35% of the total assessed value in the City.
4. The district must adhere to the requirement that the aggregate net assessed value of all TIF or exemption districts must not exceed 25% of the total assessed value in the school district.
5. The district must adhere to the requirement that the aggregate land area of all TIF or exemption districts must not exceed 25% of the total land-area of the City.
6. The district must be developed in accordance with the City of Bixby Area Comprehensive Plan and must be in accordance with the City Zoning Code and related ordinances.
7. The district, if a private development, must receive a recommendation from the City Budget Committee as to the viability of the project utilizing the following evaluation criteria.
 - A. For privately owned projects, the investment of private funds of the applicant in the project. Projects which include 25% or more of applicants' private funds as applicants' investment in the project will be favored.
 - B. Feasibility and marketing studies which demonstrate the potential for success of a particular project.
 - C. Applications for projects using TIF assistance solely for public infrastructure will be favored.
 - D. Projects that do not propose to utilize sales taxes will be favored.
 - E. Proposals which do not use the 25 year maximum time period for repayment will be favored.
 - F. Evidence and assurances that the private applicant has the financial ability to complete and operate the project.
 - G. Evidence that alternative financing methods have been thoroughly explored.
8. The district plan must demonstrate the need for the public improvements to be funded for future economic gain.
9. The district plan must demonstrate that private investment, development or redevelopment or economic growth would be difficult without the public improvements proposed by use of a TIF District.
10. The district should not be created where investment, development or economic growth would otherwise occur.
11. The district must be supported by a plan document as required by law, and provided by the applicant.

12. A report of the proposed improvements, supported by a study and preliminary engineering designs including cost estimates, must be provided by the applicant for a TIF District.
13. That the formation of a TIF District be used to supplement and not supplant or replace normal public functions and services;
14. That the information of a TIF District work in conjunction with existing programs and efforts such as the Oklahoma Main Street Program, Oklahoma Enterprise Zone Act, historic preservation and other locally implemented economic development efforts;
15. That any proposed districts be delineated with particular emphasis not to have boundaries that dissect a similar area or create unfair competitive advantage;
16. That the formation of a TIF District take into consideration the need for residential and neighborhood treatment, capital improvements to neighborhood public schools, as well as commercial/industrial development;
17. That maximum effort be made to allow full public knowledge and participation in the local use of the formation of a TIF District.
18. That conservation, preservation and rehabilitation be emphasized while demolition, clearance and relocation be minimized where possible; and
19. That the use of a TIF District not be used to encourage the relocation of a nearby business to the proposed TIF District.

Although portions of the City's policy were designed to address private developers applying for a TIF district creation to assist their proposed development, the City can look to a TIF district itself to fund necessary improvements.

Pursuant to the Local Development Act, the governing body shall cause to be prepared a project plan. The Planning Commission will review the project plan and make a recommendation on the plan to the governing body. The project plan shall include the following items, if applicable, according to the type of district being formed:

1. A description of the proposed boundaries of the district and the proposed boundaries of the project area by legal description and by street or other recognizable physical feature accompanied by a sketch clearly delineating the area in detail;
2. A general description of the proposed public works or improvements, the anticipated private investments and the estimated public revenues which should accrue;
3. A list of estimated project costs including administrative expenses;
4. A general description of the methods of financing the estimated project costs, the expected sources of revenue to finance or pay project costs, and the general time when the costs or monetary obligations related thereto are to be incurred;
5. A map showing existing uses and conditions of real property in the district and a map showing proposed improvements to and proposed uses of that property;
6. Proposed changes in zoning;

7. Proposed changes in the Comprehensive plan and city ordinances if required to implement the project plan;
8. The name of the person who shall be in charge of the implementation of all of the project plans of the district with such name being forwarded to the Department of Commerce; and,
9. A designation of any public entity to be authorized to carry out all or any part of the project plan.

In addition, a review committee shall be formed consisting of a representative from City Council, a representative of the Planning Commission having jurisdiction over the proposed district, a representative from each of the taxing entities whose ad valorem taxes might be impacted by the plan, and three members of the public at large, one of whom shall be a representative of the business community in the city, and if the proposed plan objective is development principally commercial retail, such representative shall be either a retailer or a representative of a retail organization.

The review committee shall consider and make its findings and recommendations to the governing body with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of the proposed plan and project. The review committee may recommend that the project plan be approved, denied, or approved subject to conditions set forth by the committee.

The Plan

Per the requirements of the Act, the following items are addressed:

Description of Boundaries:

The area to be included in the proposed district is generally that area depicted in Exhibit "A" attached, and more fully described in Exhibit "B" attached.

Proposed Public Improvements:

Upon approval of the Project Plan, the following proposed improvements and related costs as authorized by the Local Development Act need to be funded with the formation of the TIF District. Land acquisition and construction of elevated and/or surface parking and other improvements in the Downtown Core area. with an estimated cost \$33,214,245.

A proposed Reconstruction of Bixby Public School's Administrative Complex into a mixed-use development may be eligible for TIF funds reimbursement of development costs.

These estimated amounts may increase or decrease depending upon actual documented expenditures. Reimbursements will be made from actual funds received during the term of the TIF District. Funds may be reimbursed that can logically be associated with these categories and are permissible items for reimbursement under the Local Development Act. Amounts listed by categories may vary from those listed. Any

dispute in regard to such eligibility shall be decided by City Council and such decision shall be final.

Public benefit enhancements may be TIF eligible as ancillary to the private investments that are statutorily qualified.

Interest expense, if funds advanced by the City or its related Trusts, associated with all above categories of financial costs shall be eligible for reimbursement.

Reimbursements to be made from ad valorem and business personal property tax proceeds actually received from property developed within the TIF District.

The developer shall provide acceptable certified documentation to the City of Bixby of the costs incurred for the above improvements for reimbursement from the TIF funds available.

Pursuant to the provisions of the Local Development Act, the Bixby City Council designates that the Bixby City Manager, or its assign, may approve minor amendments to the Project Plan as the same is defined in Title 62 Okla. Statutes §858 D.

The TIF District is contingent upon final approval of the Bixby City Council. The City of Bixby disclaims any liability in the event the TIF District, or any provision therein, is successfully challenged in a court of competent jurisdiction.

Estimated Public Revenues to Accrue:

Revenue will come from the following sources:

- A.) The existing annual ad valorem revenue for the District is \$12,299,560.
- B.) Increases in the ad valorem base with the anticipated development is \$75,000,000. In addition, business personal property taxes will be generated which revenues will help fund the TIF and possible reduction in life of the TIF. **Note that the TIF will cease when \$39,857,094 is collected, or in 25 years whichever is first.**
- C.) Attached as Exhibit "C" is computations of ad valorem revenues projected to be collected over the 25 years of life of the TIF.
- D.) The cost of projected infrastructure improvements is \$33,214,245, with the various taxing entities receiving 20% of the revenues or \$6,642,849, leaving \$33,214,245 for actual reimbursements. Attached as Exhibit "D" is a breakdown of the revenues from the 20% for each taxing entity based upon current millage rates. Total anticipated revenue to taxing entities is \$6,642,849 over life of TIF.

EXHIBIT

A

tabbies



Commencing at the southeast corner of South Memorial Drive and West Breckenridge Avenue, thence east along West Breckenridge Avenue to the northeast corner of Lot 54, Block 34, Midland Addition, thence south along the east boundary of said lot to the north boundary line of the Ramsey Terrace subdivision; thence east along the north boundary line of Lot 1, Block 1, Ramsey Terrace within 30' of the northeast corner of said lot, thence south 150.36 feet to the north boundary line of Lot 1, Block 2, Ramsey Terrace; thence east to the northeast corner of said lot; thence south along the east boundary of said lot to the south side of West 5th Street South; thence east along West 5th Street South to the southeast corner of the intersection of 5th Street and South B Avenue; thence north along South B Avenue to the northwest corner of Lot 6, Block 3, Bixby- Original Town; thence east along the north boundary of Bixby-Original Town Subdivision to the northwest corner of Lot 6, Block 4, Bixby-Original Town; thence north along South Main Street East to the southeast intersection of South Main Street East and East Breckenridge Avenue; thence east along East Breckenridge Avenue to the northeast corner of Lot 2, Block 34, Midland Addition; thence northwest to the southeast corner of Lot 18, Block 28, Midland Addition; thence north along North Stanley Street East within 15' of the southeast corner of Lot 1, Block 29, Midland Addition; thence east along the alley to the southeast corner of Lot 5, Block 30, Midland Addition; thence north along the east boundary line of said lot to the northeast corner of said lot; thence west along the south side of East Dawes Avenue North to the northwest corner of Lot 4, Block 29, Midland Addition; thence northwest to the southeast corner of Lot 15, Block 18, Midland Addition; thence north along said lot to the southeast corner of Lot 9, Block 18, Midland Addition; thence west along the alley to the southwest corner of Lot 12, Block 18, Midland Addition; thence north along the west boundary of said lot to the southwest corner of Lot 17, Block 13, Midland Addition; thence west to the southwest corner of Lot 14, Block 13, Midland Addition, thence north along North Montgomery Street East to the southwest corner of Lot 14, Block 2, Privett Addition; thence north along said lot to the northeast corner of said lot; thence west along Washington Street to the northwest corner of Lot 5, Block 4, Privett Addition; thence south along said lot to the southwest corner of said lot; thence west along E 151st Street South to the northwest corner of East 151st Street South and North Armstrong; thence north 327 feet; thence west 640 feet; thence northwest 140 feet to the northeast corner of Lot 1, Block 1, Tidal Wave Addition; thence south along the west boundary of said lot to the south side of East 151st Street South; thence east along East 151st Street South to the northeast corner of Lot 1, Block 1, Memorial Commercial Center; thence south along said lot to the northwest corner of Lot 2, Block 1, Memorial Commercial Center; thence east along the north boundary of said lot to the northeast corner of said lot; thence south along the east boundary of said lot to the southeast corner of said lot; thence west along the south boundary of the Memorial Commercial Center Subdivision to South Memorial Drive East; thence south along South Memorial Drive East to the Point of Beginning.

ANTICIPATED AD VALOREM REVENUE FROM TIF 3

EST.	BPS ADMIN REDEVELOPMENT				MIDLAND RFP PROJECT				TOWN CENTER PROJECT				TOTAL DEVELOPMENT VALUE	
	\$20,000,000				\$25,000,000				\$30,000,000				\$75,000,000	
	AD VALOREM TAX REVENUE													
Year	Prior Year Tax	3%	Inc.	Current Year Tax	Prior Year Tax	3%	Inc.	Current Year Tax	Prior Year Tax	3%	Inc.	Current Year Tax	Total Current Year	
1														
2														
3														
4	\$281,600.00	8%	448.00	\$290,048.00	\$352,000.00	10%	560.00	\$362,560.00	\$422,400.00	12%	672.00	\$435,072.00	\$1,087,680.00	
5	\$280,048.00	8%	701.44	\$298,749.44	\$362,560.00	10%	876.80	\$373,436.80	\$435,072.00	13%	052.16	\$448,124.16	\$1,120,310.40	
6	\$298,749.44	8%	962.48	\$307,711.92	\$373,436.80	11%	203.10	\$384,639.90	\$448,124.16	13%	443.72	\$461,567.88	\$1,153,919.71	
7	\$307,711.92	\$9,231.36		\$316,943.28	\$384,639.90	\$11,539.20		\$396,179.10	\$461,567.88	\$13,847.04		\$475,414.92	\$1,188,537.30	
8	\$316,943.28	\$9,508.30		\$326,451.58	\$396,179.10	\$11,885.37		\$408,064.47	\$475,414.92	\$14,262.45		\$489,677.37	\$1,224,193.42	
9	\$326,451.58	\$9,793.55		\$336,245.13	\$408,064.47	\$12,241.93		\$420,306.41	\$489,677.37	\$14,690.32		\$504,367.69	\$1,260,919.23	
10	\$336,245.13	\$10,087.35		\$346,332.48	\$420,306.41	\$12,609.19		\$432,915.60	\$504,367.69	\$15,131.03		\$519,498.72	\$1,298,746.80	
11	\$346,332.48	\$10,389.87		\$356,722.45	\$432,915.60	\$12,987.47		\$445,903.07	\$519,498.72	\$15,584.96		\$535,083.68	\$1,337,709.21	
12	\$356,722.45	\$10,701.67		\$367,424.13	\$445,903.07	\$13,377.09		\$459,280.16	\$535,083.68	\$16,052.51		\$551,136.19	\$1,377,840.48	
13	\$367,424.13	\$11,022.72		\$378,446.85	\$459,280.16	\$13,778.40		\$473,058.57	\$551,136.19	\$16,534.09		\$567,670.28	\$1,419,175.70	
14	\$378,446.85	\$11,353.41		\$389,800.26	\$473,058.57	\$14,191.76		\$487,250.32	\$567,670.28	\$17,030.11		\$584,700.39	\$1,461,750.97	
15	\$389,800.26	\$11,694.01		\$401,494.27	\$487,250.32	\$14,617.51		\$501,867.83	\$584,700.39	\$17,541.01		\$602,241.40	\$1,505,603.50	
16	\$401,494.27	\$12,044.83		\$413,539.09	\$501,867.83	\$15,056.03		\$516,923.87	\$602,241.40	\$18,067.24		\$620,308.64	\$1,550,771.60	
17	\$413,539.09	\$12,406.17		\$425,945.27	\$516,923.87	\$15,507.72		\$532,431.58	\$620,308.64	\$18,609.26		\$638,917.90	\$1,597,294.75	
18	\$425,945.27	\$12,778.36		\$438,723.62	\$532,431.58	\$15,972.95		\$548,404.53	\$638,917.90	\$19,167.54		\$658,085.44	\$1,645,213.59	
19	\$438,723.62	\$13,161.71		\$451,885.33	\$548,404.53	\$16,452.14		\$564,866.67	\$658,085.44	\$19,742.56		\$677,828.00	\$1,694,570.00	
20	\$451,885.33	\$13,556.56		\$465,441.89	\$564,866.67	\$16,945.70		\$581,802.37	\$677,828.00	\$20,384.84		\$698,162.84	\$1,745,407.10	
21	\$465,441.89	\$13,963.26		\$479,405.15	\$581,802.37	\$17,454.07		\$599,256.44	\$698,162.84	\$20,944.89		\$719,107.73	\$1,797,769.31	
22	\$479,405.15	\$14,382.15		\$493,787.30	\$599,256.44	\$17,977.69		\$617,234.13	\$719,107.73	\$21,573.23		\$740,690.96	\$1,851,702.39	
23	\$493,787.30	\$14,813.62		\$508,600.92	\$617,234.13	\$18,517.02		\$635,751.15	\$740,690.96	\$22,220.43		\$762,901.39	\$1,907,253.46	
24	\$508,600.92	\$15,258.03		\$523,858.95	\$635,751.15	\$19,072.53		\$654,823.69	\$762,901.39	\$22,887.04		\$785,768.43	\$1,964,471.07	
25	\$523,858.95	\$15,715.77		\$539,574.72	\$654,823.69	\$19,644.71		\$674,468.40	\$785,768.43	\$23,573.65		\$809,362.08	\$2,023,405.20	
													\$33,214,245.19	

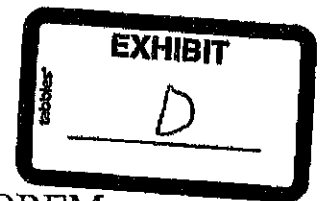
Totals \$8,867,132.05

\$11,071,415.06

\$13,285,698.08

\$33,214,245.19





TIF No. 3 CURRENT PERCENTAGE OF AD VALOREM
DISTRIBUTION AMONG TAXING ENTITIES

CITY-COUNTY HEALTH DEPT.	2.0
CITY-COUNTY LIBRARY	4.1
TULSA TECHNOLOGY CENTER	10.2
EMSA	0
TULSA COMMUNITY COLLEGE	5.5
SCHOOL LOCALY VOTED	25.5
CITY SINKING FUND	9.7
SCHOOL COUNTY WIDE BUILDING	3.9
SCHOOL COUNTY WIDE ADA	3.0
SCHOOL COUNTY WIDGE GENERAL	27.4
COUNTY GOVERNMENT	<u>8.6</u>
	100%

RESOLUTION No. 2022-4

WHEREAS, the City of Bixby desires to see economic development in a totally undeveloped area in western Bixby, with lack of utilities, roadways, and flood plain mitigation issues resolved necessary for the development. That the same qualifies for financial assistance under the provisions of the "Oklahoma Local Development Act Title 62 Okla. Stat. Sec. 850 et al.

There has been proposed a "Project Plan" developed to address the above goals for development in this area, and providing for financing to assist in achieving the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the CITY of BIXBY, OKLAHOMA, that the Project Plan for "City of Bixby Tax Increment Financing District No. 4", as submitted, be approved and forwarded to the City Planning Commission and the to be established "Review Committee " for comment.

Approved this _____ day of January, 2022.

CITY of Bixby, OKLAHOMA

By: _____

Mayor

Attest:

Clerk (seal)

Approved as to Form

City Attorney

City of Bixby

Tax Increment Financing District No. 4

Project Plan

Resolution No. 2022-3 Approved by City Council on January 10, 2022.

Introduction

The City of Bixby contains areas that could develop commercially, industrially, and other mixed uses if adequate infrastructure and other public improvements were in place. Much of these areas are in part within the 100-year floodplain, making it economically cost prohibitive to develop unless water, sewer, storm water drainage, roadway extensions, floodplain modification or other improvements are first in place.

Creation of the district would provide the funding necessary to upgrade and extend water, sewer, storm drainage, roadways, environmental resolutions/mitigations, make necessary floodplain modifications and other improvements to serve as a catalyst for expanding employment, to reverse economic stagnation or decline, to attract major investment in the area and to preserve or enhance the tax base in the area of the district, which under the Oklahoma Local Development Act (Title 62 Okla. Stat. §850 et seq.) qualifies the proposed district as a "reinvestment area".

Tax Increment Districts

Under the Local Development Act, a tax increment financing district (TIF) can be formed to fund improvements. Under a TIF, the assessed valuation of the properties within the district is established by the county assessor as a base valuation. Once the district is formed and commences, then any increase in the ad valorem taxes over the base valuation may be used to fund the projects designed under the TIF development plan. All of the jurisdictions that receive ad valorem taxes would continue to receive what they had under the base valuation. Only the increases over the base in the district would go toward the funding of the TIF projects. In addition, the business personal property tax increases over the base can be used to fund the proposed projects. However, under this proposed Plan, the City of Bixby would remit twenty-percent (20%) of the ad valorem and business personal property taxes it receives for funding the TIF District to the various taxing entities in the proportionate amount that they would normally receive based upon the property tax statement each year from the Tulsa County Treasurer's office. This use of ad valorem tax increase and business personal property tax for improved improvements is only to be for a period of time deemed sufficient to fund the designated projects. By law, this could be up to twenty-five years. Under the proposed plan the District would have a life of twenty (20) years or until the amount of proposed funding is achieved, whichever comes first.

Under the provisions of 62 O.S. Sec. 856 B. 2, upon approval of a Tax Increment Financing District, the City Council can defer the commencement of the District for up to ten (10) years. However, based upon current developer interest, the commencement of the TIF District shall begin upon passage of the Ordinance establishing the same.

The advantage to the jurisdiction that relinquished the increases of ad valorem and business personal property taxes is that at the expiration of the TIF term they now will receive an increase which would not normally have occurred without the improvements for which the TIF had been created.

On February 25, 2019, after a public hearing, the Bixby City Council pursuant to Resolution No. 2019-7, established a policy and guideline for approval of a TIF District. The policy provides that:

1. The district must be a reinvestment area, historic preservation district area, or an enterprise area (state or federal) which is unproductive, undeveloped, and underdeveloped or a blighted area.
2. The district must improve and enhance the value of real property in the area and promote the general public interest.
3. The district must adhere to the requirement that the aggregate net assessed value of all TIF or exemption districts must not exceed 35% of the total assessed value in the City.
4. The district must adhere to the requirement that the aggregate net assessed value of all TIF or exemption districts must not exceed 25% of the total assessed value in the school district.
5. The district must adhere to the requirement that the aggregate land area of all TIF or exemption districts must not exceed 25% of the total land-area of the City.
6. The district must be developed in accordance with the City of Bixby Area Comprehensive Plan and must be in accordance with the City Zoning Code and related ordinances.
7. The district, if a private development, must receive a recommendation from the City Budget Committee as to the viability of the project utilizing the following evaluation criteria.
 - A. For privately owned projects, the investment of private funds of the applicant in the project. Projects which include 25% or more of applicants' private funds as applicants' investment in the project will be favored.
 - B. Feasibility and marketing studies which demonstrate the potential for success of a particular project.
 - C. Applications for projects using TIF assistance solely for public infrastructure will be favored.
 - D. Projects that do not propose to utilize sales taxes will be favored.
 - E. Proposals which do not use the 25 year maximum time period for repayment will be favored.
 - F. Evidence and assurances that the private applicant has the financial ability to complete and operate the project.
 - G. Evidence that alternative financing methods have been thoroughly explored.
8. The district plan must demonstrate the need for the public improvements to be funded for future economic gain.
9. The district plan must demonstrate that private investment, development or redevelopment or economic growth would be difficult without the public improvements proposed by use of a TIF District.
10. The district should not be created where investment, development or economic growth would otherwise occur.

11. The district must be supported by a plan document as required by law, and provided by the applicant.
12. A report of the proposed improvements, supported by a study and preliminary engineering designs including cost estimates, must be provided by the applicant for a TIF District.
13. That the formation of a TIF District be used to supplement and not supplant or replace normal public functions and services;
14. That the information of a TIF District work in conjunction with existing programs and efforts such as the Oklahoma Main Street Program, Oklahoma Enterprise Zone Act, historic preservation and other locally implemented economic development efforts;
15. That any proposed districts be delineated with particular emphasis not to have boundaries that dissect a similar area or create unfair competitive advantage;
16. That the formation of a TIF District take into consideration the need for residential and neighborhood treatment, capital improvements to neighborhood public schools, as well as commercial/industrial development;
17. That maximum effort be made to allow full public knowledge and participation in the local use of the formation of a TIF District.
18. That conservation, preservation and rehabilitation be emphasized while demolition, clearance and relocation be minimized where possible; and
19. That the use of a TIF District not be used to encourage the relocation of a nearby business to the proposed TIF District.

Although portions of the City's policy were designed to address private developers applying for a TIF district creation to assist their proposed development, the City can look to a TIF district itself to fund necessary improvements.

Pursuant to the Local Development Act, the governing body shall cause to be prepared a project plan. The Planning Commission will review the project plan and make a recommendation on the plan to the governing body. The project plan shall include the following items, if applicable, according to the type of district being formed:

1. A description of the proposed boundaries of the district and the proposed boundaries of the project area by legal description and by street or other recognizable physical feature accompanied by a sketch clearly delineating the area in detail;
2. A general description of the proposed public works or improvements, the anticipated private investments and the estimated public revenues which should accrue;
3. A list of estimated project costs including administrative expenses;
4. A general description of the methods of financing the estimated project costs, the expected sources of revenue to finance or pay project costs, and the general time when the costs or monetary obligations related thereto are to be incurred;

5. A map showing existing uses and conditions of real property in the district and a map showing proposed improvements to and proposed uses of that property;
6. Proposed changes in zoning;
7. Proposed changes in the Comprehensive plan and city ordinances if required to implement the project plan;
8. The name of the person who shall be in charge of the implementation of all of the project plans of the district with such name being forwarded to the Department of Commerce; and,
9. A designation of any public entity to be authorized to carry out all or any part of the project plan.

In addition, a review committee shall be formed consisting of a representative from City Council, a representative of the Planning Commission having jurisdiction over the proposed district, a representative from each of the taxing entities whose ad valorem taxes might be impacted by the plan, and three members of the public at large, one of whom shall be a representative of the business community in the city, and if the proposed plan objective is development principally commercial retail, such representative shall be either a retailer or a representative of a retail organization.

The review committee shall consider and make its findings and recommendations to the governing body with respect to the conditions establishing the eligibility of the proposed district and the appropriateness of the approval of the proposed plan and project. The review committee may recommend that the project plan be approved, denied, or approved subject to conditions set forth by the committee.

The Plan

Per the requirements of the Act, the following items are addressed:

Description of Boundaries:

The area to be included in the proposed district is generally that area depicted in Exhibit "A" attached, and more fully described as west of Kimberly Clark Place/ Sandusky Place, east of the Springtree and Pine Valley Additions and Bixby Public School West Campus, and south of the Kimberly Clark industrial park, and approximately 2,700 feet north of the center line of 151st Street South.

Exhibit "A" is also conceptual development plan for District.

Proposed Public Improvements:

Upon approval of the Project Plan, proposed and future anticipated developments are to be constructed in an industrial setting. The following proposed improvements and related costs as authorized by the Local Development Act need to be funded with the formation of the TIF District. Costs as set forth in Exhibit "B" is \$4,267,176.13, plus \$2,000,000 for individual site retaining walls, plus 25% inflation/interest charges of \$1,566,796

The above categories are estimates of financial costs for infrastructure and related improvements required for development. These estimated amounts may increase or decrease depending upon actual documented expenditures. Reimbursements will be made from actual funds received during the term of the TIF District. Funds may be reimbursed that can logically be associated with these categories and are permissible items for reimbursement under the Local Development Act. Amounts listed by categories may vary from those listed. Any dispute in regard to such eligibility shall be decided by City Council and such decision shall be final.

Public benefit enhancements may be TIF eligible as ancillary to the private investments that are statutorily qualified.

Interest expense, if funds advanced by the City or its related Trusts, associated with all above categories of financial costs shall be eligible for reimbursement.

Reimbursements to be made from ad valorem and business personal property tax proceeds actually received from property developed within the TIF District.

The developer shall provide acceptable certified documentation to the City of Bixby of the costs incurred for the above improvements for reimbursement from the TIF funds available.

Pursuant to the provisions of the Local Development Act, the Bixby City Council designates that the Bixby City Manager, or its assign, may approve minor amendments to the Project Plan as the same is defined in Title 62 Okla. Statutes §858 D.

The TIF District is contingent upon final approval of the Bixby City Council. The City of Bixby disclaims any liability in the event the TIF District, or any provision therein, is successfully challenged in a court of competent jurisdiction.

Estimated Public Revenues to Accrue:

Revenue will come from the following sources:

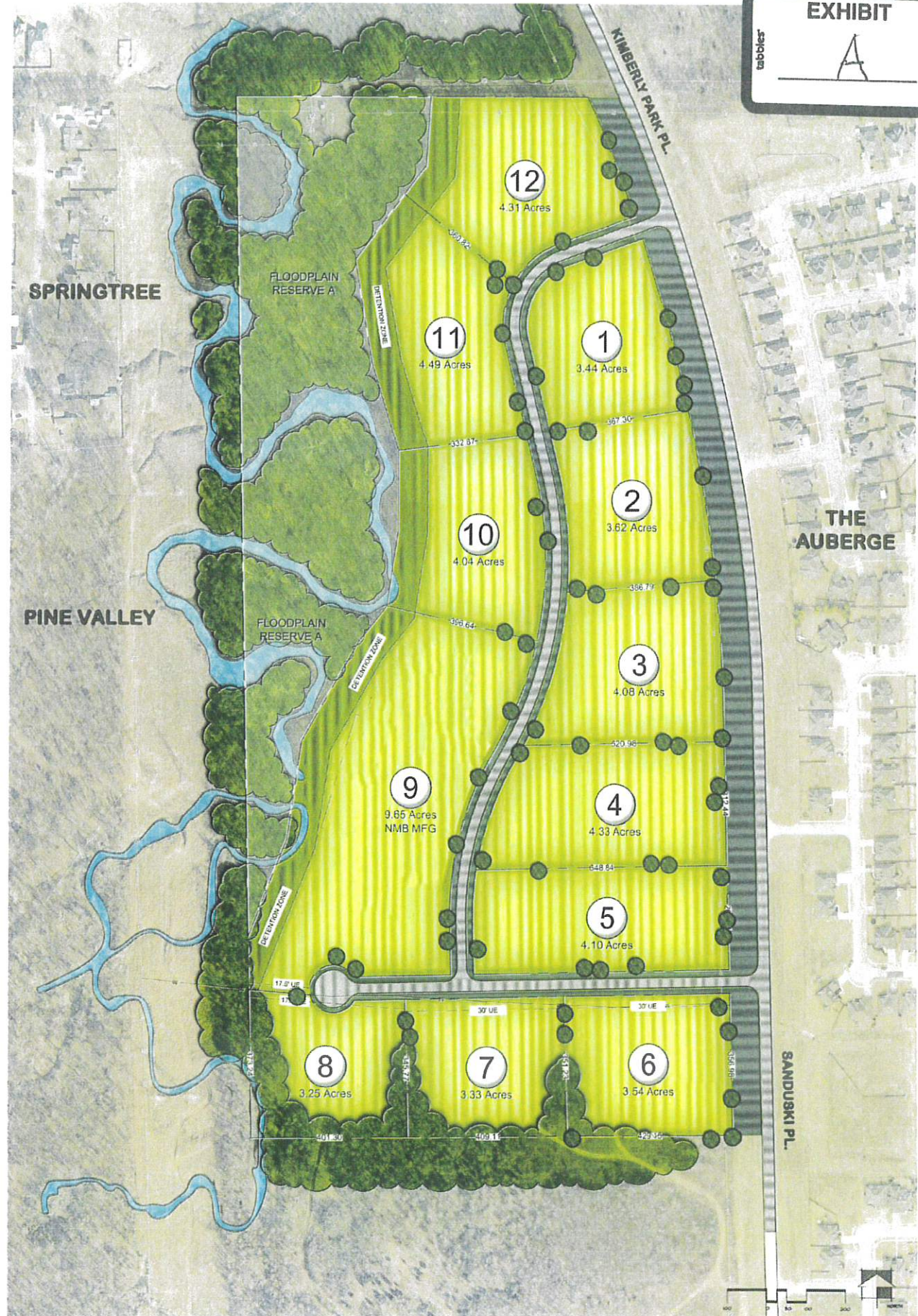
- A.) The valuation of the existing taxable ad valorem base of the District area is zero "0", since it is owned by the City of Bixby and is exempt from ad valorem taxes.
- B.) Increases in the ad valorem base with the anticipated development is estimated at \$27,500,00. That the same is estimated to generate \$9,956,298 in ad valorem tax revenue over the life of the TIF, as set forth in Exhibit "C". **Note that the TIF will cease when \$9,956,298 is collected, or in 25 years, whichever is first.**

The City of Bixby, Oklahoma and/or the Bixby Public Works Authority

EXHIBIT

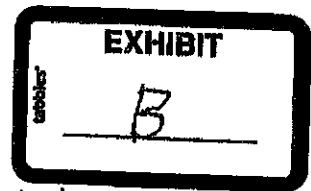
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JAN 4TH, 2021

BIXBY, OKLAHOMA



Engineers Estimate
for
Grading, Paving, Storm, Sanitary Sewer, Waterline and Erosion Control
Silrin Industrial Park
Bixby, Oklahoma

Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				

Grading

101. GENERAL SITE GRADING

a.	34 Acres	Clearing & Grubbing (includes tree removal)	\$ 2,800.00	\$ 95,200.00
b.	22,025 CY	Stripping, 5" deep, Stockpile & Replace	\$ 6.00	\$ 132,150.00
c.	190,000 CY	Unclassified Excavation & Site Grading	\$ 6.25	\$ 1,187,500.00
d.	30 Acres	Revegetation (Seeding)	\$ 2,200.00	\$ 66,000.00
e.	4,000 SY	Solid Slab Sod on Pond Slopes and Swales	\$ 3.00	\$ 12,000.00

Total Grading Base Estimate **\$ 1,492,850.00**

Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				

Paving

201. FINE GRADING & SUBGRADE PREPARATION

(Quantities to 2 feet behind back of curb. Refer to Geotechnical Report for treatment options.)

a.	17,673 SY	Fine Grading for Paving	\$ 1.50	\$ 26,509.50
b.	17,673 SY	Stabilized Subgrade, 8" deep	\$ 6.50	\$ 114,874.50

202. PAVING, IN PLACE

a.	14,576 SY	ODOT Type "A" Asphaltic Concrete Paving, 6.5" thick	\$ 24.90	\$ 362,942.40
b.	14,576 SY	ODOT Type "B" Asphaltic Concrete Paving, 2.0" thick	\$ 10.00	\$ 145,760.00

203. CONCRETE CURB & GUTTER, IN PLACE

a.	6,557 LF	Concrete Curb and Gutter, 6" Barrier	\$ 17.00	\$ 111,469.00
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206. PAVEMENT MISCELLANEOUS

a.	4,356 SY	Slab Sod, to 6' Behind Curb	\$ 3.00	\$ 13,068.00
b.	1 LS	Thermoplastic Pavement Striping	\$ 15,000.00	\$ 15,000.00
c.	37 EA	Adjust Surface Structures In Paving to Grade	\$ 640.00	\$ 23,680.00

207. CONDUIT, IN PLACE

a.	800 LF	Pipe, Grey 4" PVC Sch 40 (Includes approved end-of-trench markers)	\$ 18.00	\$ 14,400.00
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Total Paving Base Estimate

\$ 827,703.40

Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				
Storm Sewer				
301.	RIGHT-OF-WAY CLEARING AND RESTORING **			
a.	2,303 LF	Right-of-Way Clearing and Restoring	\$ 4.00	\$ 9,212.00
302.	EXCAVATION AND BACKFILL, UNCLASSIFIED			
a.	2,105 CY	Excavation and Backfill, Unclassified	\$ 5.00	\$ 10,525.00
303.	BOX, REINFORCED CONCRETE (RCB), IN PLACE *			
a.	250 LF	5'x5' Precast RCB, ASTM C1433	\$ 403.00	\$ 100,750.00
304.	PIPE, REINFORCED CONCRETE (RCP), IN PLACE *			
a.	528 LF	36-Inch RCP, ASTM C76, Class III, Wall B	\$ 107.80	\$ 56,918.40
b.	589 LF	30-Inch RCP, ASTM C76, Class III, Wall B	\$ 90.75	\$ 53,451.75
c.	425 LF	24-Inch RCP, ASTM C76, Class III, Wall B	\$ 80.85	\$ 34,361.25
d.	22 LF	18-Inch RCP, ASTM C76, Class III, Wall B	\$ 79.75	\$ 1,754.50
e.	177 LF	15-Inch RCP, ASTM C76, Class III, Wall B	\$ 69.30	\$ 12,266.10
306.	INLETS, IN PLACE			
	<i>(Storm contractor to provide grates, frames & curb hoods to be set by paving contractor)</i>			
a.	2 EA	Std. 36" Precast Concrete Drop Inlet, Design 1	\$ 2,000.00	\$ 4,000.00
b.	24 EA	Std. ST29-3'x6' Recessed Curb Inlet, w/ Manhole, Type 1 (10" thru)	\$ 1,700.00	\$ 40,800.00
307.	JUNCTIONS, IN PLACE			
a.	10 EA	Std. 6' ID Precast Concrete Manhole	\$ 5,000.00	\$ 50,000.00
b.	4 EA	Std. 5' ID Precast Concrete Manhole	\$ 3,800.00	\$ 15,200.00
308.	OUTLETS, IN PLACE			
	<i>(All outlet structures include minimum 3'deep concrete toewall, unless otherwise noted)</i>			
a.	6 EA	ODOT One Cell Headwall for 5'x5' RCB	\$ 9,167.00	\$ 55,002.00
b.	1 EA	Std. 36" Concrete Slopewall	\$ 3,000.00	\$ 3,000.00
309.	CHANNEL, IN PLACE			
a.	1,100 LF	ODOT Paved Ditch, Design No 2 (6.0' wide)	\$ 39.00	\$ 42,900.00
310.	MISCELLANEOUS			
a.	80 SY	Flexamat	\$ 90.00	\$ 7,200.00
Total Storm Sewer Base Estimate				\$ 497,341.00

Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				
Sanitary Sewer				
401.	RIGHT-OF-WAY CLEARING AND RESTORING **			
a.	3,953 LF	Right-of-Way Clearing and Restoring	\$ 3.50	\$ 13,835.50
b.	675 LF	Demo Existing Sanitary Sewer	\$ 5.00	\$ 3,375.00
402.	EXCAVATION AND BACKFILL, UNCLASSIFIED			
a.	2,928 CY	Excavation and Backfill, Unclassified	\$ 8.00	\$ 23,424.00
404.	PIPE, POLYVINYL CHLORIDE (PVC), FOR SEWER SERVICE, IN PLACE *			
a.	3,953 LF	8-Inch PVC Pipe, ASTM D1784, SDR35	\$ 40.00	\$ 158,120.00
405.	MANHOLE, IN PLACE			
a.	16 EA	Std. 4 'ID Precast Concrete Manhole	\$ 2,800.00	\$ 44,800.00
b.	6 EA	Std. 4 'ID Precast Concrete Manhole with Exterior Drop	\$ 5,815.00	\$ 34,890.00
c.	22 VF	Std. 4 'ID Precast Concrete Manhole, Additional Depth >6'	\$ 200.00	\$ 4,400.00
407.	CONNECTION, IN PLACE			
a.	2 EA	Connect to Existing Manhole	\$ 1,500.00	\$ 3,000.00
Total Sanitary Sewer Base Estimate				\$ 285,844.50

Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				

Waterline

501. RIGHT-OF-WAY CLEARING AND RESTORING **

a.	3,344 LF	12-inch PVC, AWWA C900, Class 200 (DR14) Including all fittings, fire hydrants, and trenching.	\$ 83.00	\$ 277,552.00
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Total Waterline Base Estimate	\$ 277,552.00
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Item	Quantity	Description	Unit Cost	Extension
ENGINEER'S ESTIMATE				

Erosion Control

Quantities are Estimates Only. Contractor must provide sufficient erosion control to meet ODEQ requirements.

a.	2 EA	Stabilized Construction Entrance	\$ 3,425.00	\$ 6,850.00
b.	26 EA	Inlet Protection Devices	\$ 375.00	\$ 9,750.00
c.	7 EA	Outlet Protection Devices	\$ 550.00	\$ 3,850.00
d.	4,000 LF	Silt Fence for Erosion Stabilization	\$ 3.00	\$ 12,000.00

Total Erosion Control Base Estimate	\$ 32,450.00
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Total Base Estimate	\$ 3,413,740.90
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Grand Total Base with 15% Contingency	\$ 3,925,802.04
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Estimated Engineering & Survey Fees	\$ 341,374.09
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Grand Total Estimate	\$ 4,267,176.13
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tabbies

EXHIBIT

C

EST.	INDUSTRIAL STAGE 1		INDUSTRIAL STAGE 2		INDUSTRIAL STAGE 3		INDUSTRIAL STAGE 4		TOTAL DEVELOPMENT VALUE
	3 TRACTS	\$6,875,000	3 TRACTS	\$6,875,000	3 TRACTS	\$6,875,000	3 Tracts	\$6,875,000	
YEAR	AD VALOREM TAX REVENUE								
1	96,800	2,904	99,704	99,704	96,800	2,904	99,704	96,800	2,904
2	99,704	2,991	102,695	102,695	96,800	2,904	99,704	96,800	2,904
3	102,695	3,081	105,776	105,776	96,800	2,904	99,704	96,800	2,904
4	105,776	3,173	108,949	108,949	96,800	2,904	99,704	96,800	2,904
5	108,949	3,263	112,218	112,218	96,800	2,904	99,704	96,800	2,904
6	112,218	3,357	115,584	115,584	96,800	2,904	99,704	96,800	2,904
7	115,584	3,458	118,949	118,949	96,800	2,904	99,704	96,800	2,904
8	118,949	3,572	122,323	122,323	96,800	2,904	99,704	96,800	2,904
9	122,323	3,679	125,704	125,704	96,800	2,904	99,704	96,800	2,904
10	125,704	3,789	129,091	129,091	96,800	2,904	99,704	96,800	2,904
11	129,091	3,903	132,494	132,494	96,800	2,904	99,704	96,800	2,904
12	132,494	4,020	135,914	135,914	96,800	2,904	99,704	96,800	2,904
13	135,914	4,140	139,354	139,354	96,800	2,904	99,704	96,800	2,904
14	139,354	4,265	142,814	142,814	96,800	2,904	99,704	96,800	2,904
15	142,814	4,392	146,294	146,294	96,800	2,904	99,704	96,800	2,904
16	146,294	4,524	149,794	149,794	96,800	2,904	99,704	96,800	2,904
17	149,794	4,660	153,314	153,314	96,800	2,904	99,704	96,800	2,904
18	153,314	4,800	156,844	156,844	96,800	2,904	99,704	96,800	2,904
19	156,844	4,943	160,394	160,394	96,800	2,904	99,704	96,800	2,904
20	160,394	5,092	163,964	163,964	96,800	2,904	99,704	96,800	2,904
21	163,964	5,244	167,554	167,554	96,800	2,904	99,704	96,800	2,904
22	167,554	5,400	171,164	171,164	96,800	2,904	99,704	96,800	2,904
23	171,164	5,560	174,794	174,794	96,800	2,904	99,704	96,800	2,904
24	174,794	5,724	178,444	178,444	96,800	2,904	99,704	96,800	2,904
25	178,444	5,892	182,114	182,114	96,800	2,904	99,704	96,800	2,904
TOTALS	2,859,149	83,273	2,859,149	2,859,149	2,859,149	83,273	2,859,149	2,859,149	83,273

TOTAL ANTICIPATED REVENUE FROM NEW DEVELOPMENT:

9,558,298.00

* The above annual increases assume a 3% ad valorem valuation increase.



TIF No. 4 CURRENT PERCENTAGE OF AD VALOREM
DISTRIBUTION AMONG TAXING ENTITIES

CITY-COUNTY HEALTH DEPT.	2.0
CITY-COUNTY LIBRARY	4.1
TULSA TECHNOLOGY CENTER	10.2
EMSA	0
TULSA COMMUNITY COLLEGE	5.5
SCHOOL LOCALY VOTED	25.5
CITY SINKING FUND	9.7
SCHOOL COUNTY WIDE BUILDING	3.9
SCHOOL COUNTY WIDE ADA	3.0
SCHOOL COUNTY WIDE GENERAL	27.4
COUNTY GOVERNMENT	<u>8.6</u>
	100%



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, December 13, 2021
RE: Cox Nursing Home Specific Use Permit (BXSUP-21.03) and Preliminary & Final Plat (BXPT-21.15)
Location: East of the SE/c of South Memorial Drive & East 126th Street South, Bixby, OK
Applicant: Tulsa Engineering & Planning, Inc.

Staff Review

On 5.24.2021 the Specific Use Permit application for a nursing home use in the CS District went before City Council and was continued to 12.13.2021 meeting to give the applicant time to address Council's concerns.

Project Overview per Plat:

# of Acres	# of Total Lots	# of Blocks	# of Reserve Areas
10.8511 (+/-)	1	1	N/A

Project Approvals:

- **Rezone** for Nursing Home
 - PC on 05.17.2021 and was approved by CC on 05.24.2021
- **SUP** for the Nursing Home
 - PC on 05.17.2021 and went to Council on 05.24.2021, was continued due to site/building concerns and issues with split zoning on the same parcel.
 - (Proposed Daycare no longer a needed/wanted use)
- **Preliminary Plat and Final Plat**
 - PC on 11.15.2021, CC hearing on 12.13.2021

Staff Comments:

1. Staff recommends approval of the Specific Use Permit
2. Staff recommends approval of the Preliminary & Final Plat



CITY OF BIXBY
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STAFF AGENDA COMMENTARY

ITEM TITLE(S):

1. Consider, discuss, and approve BXZO-21.05 – Rezone from Agriculture (AG) to Commercial Shopping (CS) and BXSUP-21.03 Specific Use Permit (SUP) for a Nursing Home use which is allowed in a CS zoning district with an approved SUP. Site Details: 10.7154 acres, in the NW/4 of the SW/4 of Section 1, Township 17N, Range 13E, located approximately 610 feet east of South Memorial Drive and 165 feet south of East 126th Street with frontage on South 85th East Avenue in Bixby, Oklahoma.

STAFF INFORMATION SOURCE:

Comprehensive Plan, Zoning Code, Planning Commission Staff Report, TEP Project Summary and Exhibits

PRESENTER:

Carolyn Back, Development Services Director / City Planner

PLANNING COMMISSION HISTORY AND ITEMS DISCUSSED:

05.17.21 - Rezone - Planning Commission recommended approval with conditions
05.17.21 - Specific Use Permit - Planning Commission recommended approval

1. The Specific Use Permit for the Nursing Home was determined to be an excellent buffer between the more intense commercial development that is normally situated along South Memorial Drive and the existing residential developments that currently exist. The proposed small child day care is a "Use-by-Right" in the CS Zoning District. The rezone is needed in order for the Specific Use Permit to be approved. The applicant provided a couple of architectural design options for the site, but was not able to produce a final design or any architectural design elements to be required for this project.
2. The proposed rezone area would result in split zoning on the same parcel of land, which is something that should be avoided. The Planning Commission recommended approval of the Rezone with a condition that a rezone application

requesting Commercial Shopping (CS) zoning be submitted and approved for the western portion of the subject parcel of land.

3. Staff recommended the Planning Commission require a condition of rezone approval that a One (1) Lot, One (1) Block, Commercial Subdivision Plat be required for the nursing home property in order to avoid multiple zoning designations on one parcel of land. This will also separate this proposed use from future uses on the property located to the west of the nursing home facility site.
4. A Planned Unit Development (PUD) will be required at a later date for the Corridor Appearance District when making application for future development on the western portion of this large parcel.

Several citizens were in attendance and liked the type of use as a buffer. They were not for or against, but wanted to gather more information and make sure the potential noise, lighting, and traffic impacts were addressed.

ATTACHMENTS:

Planning Commission Staff Report (Including TEP Project Summary and Exhibits)

KEY ISSUE:

Approval

COUNCIL ACTION RECOMMENDATION:

Staff recommends approval of the Specific Use Permit and the Rezone per Planning Commission recommendation for approval with the following conditions:

1. A One (1) Lot, One (1) Block, Commercial Subdivision Plat be required for the nursing home portion of the overall parcel of land.
2. A separate rezone application be submitted and approved to rezone the entirety of the parcel of land, out to South Memorial Drive, to the zoning designation of Commercial Shopping (CS).
3. A Planned Unit Development (PUD) be required for the Western portion of the land that falls within the Corridor Appearance District along South Memorial Drive.

Council may consider as a condition of approval for the Specific Use Permit requiring the proposed architectural design elements be listed addressing types of masonry allowed, the percentage of masonry required, where masonry is required, site and building lighting, screening, landscaping, possible emergency vehicle noise, and other items important for this proposed project focusing on how the building is situated on the lot in relation to abutting residential uses.



City of Bixby

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(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, May 17, 2021

Reference: **Rezone (BXZO-21.05):** 10.7154 Acres (+/-) from Agriculture (A.G.) to Commercial Shopping (C.S.)

Specific Use Permit (BXSUP-21.03): Requested for a Nursing Home use which is allowed in a CS zoned district with an approved Specific Use Permit.

Land Use Map: Designated for Commercial Uses

Location: Located approximately 610 ft. east of South Memorial Drive and 165 ft. south of East 126th Street with frontage on South 85th East Avenue in Bixby, OK.

Legal Description: A tract of land contained within the NW/4 SW/4 of Section 1, Township 17N, Range 13E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described on the attached legal description: Attachment 1.

Applicant: TEP - Tulsa Engineering and Planning

Submittal Overview:

The applicant has submitted one (1) Rezone application and one (1) Specific Use Permit application to go through the land use entitlement process to allow for the construction of a Nursing Home and Child Day Care facility.

Staff Review

Rezone Request for B.X.Z.O.-21.05

Existing Zoning; Use:

Agriculture (A.G.); Vacant Commercial Land

Surrounding Zoning; Uses:

North: Residential Single-Family (R.S.-1); Southern Memorial Acres No 2 Subdivision

East: PUD-57 (Residential Single-Family - R.S.-4); Bixby Landing Subdivision

South: Agriculture (A.G.); Fry Ditch

West: Agriculture (A.G.); Vacant Land

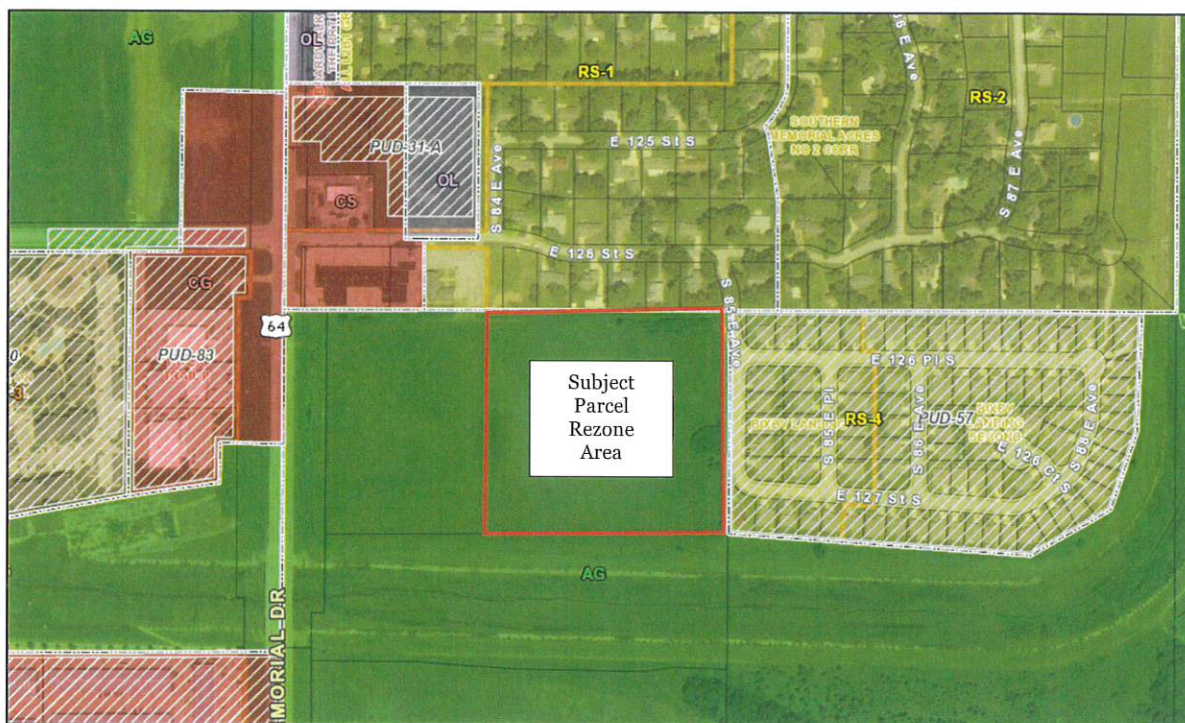


Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone and Specific Use Permit Area

Proposed Rezone Area:

The proposed rezone area, depicted in the figure above, shows the subject rezone area outlined in red. This would cause split zoning on the same parcel of land. Staff recommends Planning Commission require a condition of approval that a One (1) Lot, One (1) Block commercial subdivision plat be required for nursing home facility property in order to avoid multiple zoning designations on one parcel of land.

Another condition of approval would be the requirement of the entire parcel to be rezoned to Commercial Shopping. A Planned Unit Development (PUD) would be required at a later date for the Corridor Appearance District when making application for future development.

Specific Use Permit for B.X.S.U.P.-21.03

Nursing Home Facility:

A nursing home facility is an allowed use with a Specific Use Permit in the Commercial Shopping zoning district. This is a nice transitional use between the existing single-family uses and the anticipated future commercial uses that will front onto South Memorial Drive.

A children's day care facility is a Use-by-Right in the Commercial Shopping District.

The applicant has provided an Executive Summary outlining the overall floor area to be approximately $\pm$ 78,000 SF with 122 beds. They intend to operate a small children's day care facility with the size to be determined at building permit stage. The average daily trips for the nursing home are included in the Executive Summary along with the AM and PM peak averages.

Staff Comments:

1. The attached TEP Executive Summary was provided at the request of City Staff to assist the Planning Commission with more detailed information about the project to help make an informed recommendation to City Council on the creative combination of these two community service uses being offered to the community members of Bixby.
2. Staff believes this proposed nursing home and child day care use would be an excellent buffer between the existing single-family uses and the predicted commercial uses that will eventually front onto Memorial Drive.

Public Comments:

A few public comments were received voicing concerns about traffic impacts. The applicant was informed and they chose to redesign the site and eliminate one driveway to help address the neighbors' concerns and yet still meet fire department ingress and egress requirements.

The applicant also provided traffic counts in their Executive Summary stating the nursing home use would be less impactful than most other uses that could be built on this piece of land when zoned commercial.

Staff Recommendation:

The Planning Commission may make recommendation for approval, approval with conditions, or denial of the requested Rezone and Specific Use Permit to the City Council.

1. Staff recommends Planning Commission make a recommendation to the City Council for approval of the Rezone and Specific Use Permit contingent upon the following conditions:
 - a. A One (1) Lot, One (1) Block Commercial Subdivision Plat be required for the nursing home portion of the overall parcel of land.
 - b. A separate rezone application be submitted and secured to rezone the entirety of the parcel of land out to South Memorial Drive to Commercial Shopping (C.S.)

Figures:

Figure 1: City of Bixby Zoning Map

Subject Parcel Proposed Rezone and Specific Use Permit Area

Attachments:

Attachment 1: Cox Nursing Home Legal Description received 04.06.2021

Attachment 2: TEP Executive Summary for Cox Nursing Home and Child Day Care

Attachment 3: TEP Conceptual Site Plan – Exhibit A

Attachment 4: Senior Suites Owasso, Aerial View – Exhibit B

Attachment 5: Senior Suites Owasso, Entrance View – Exhibit C

Attachment 6: Senior Suites, Conceptual Contemporary Building Elevation – Exhibit D

Published in the Tulsa World,
City of Bixby, Tulsa County, Oklahoma _____, 2021

ORDINANCE No. 2372

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-21.03), COX NURSING FACILITY, FOR THE PURPOSE OF ALLOWING A NURSING HOME USE (USE UNIT 8) IN A COMMERCIAL SHOPPING (CS) 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. 2372 be and the same is now amended and the following described property, to-wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

Located East of the Southeast corner of South Memorial Drive and East 126th Street South, Bixby, Oklahoma, be and the same is now amended to allow for supplemental zoning through a Specific Use Permit (BXSUP-21.03), Bixby, Oklahoma.

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

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

Cox Nursing Facility Legal Description

A tract of land contained within the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section One (1), 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, being more particularly described as follows:

Commencing at the Northwest corner of said (SW/4);

Thence N 88°35'45" E, on a westerly extension of and along the southerly line of Southern Memorial Acres Amended, Plat No. 2794 as filed in the office of the Tulsa County Clerk, a distance of 600.57 feet to the "Point of Beginning", said point being at the southwest corner of South 84th East Avenue Right-of-Way as shown on said plat;

Thence continuing N 88°35'45" E, along said southerly line, a distance of 699.02 feet to the Northwest corner of Bixby Landing, Plat No. 6483 as filed in the office of the Tulsa County Clerk;

Thence S 11°09'01" E, along the westerly line of said Bixby Landing, a distance of 141.65 feet to a point on the easterly line of said NW/4 of the SW/4;

Thence S 00°59'06" E, along said westerly line and said easterly line a distance of 515.62 feet a point, said point being the Southeast corner of Warranty Deed, Document No. 2021067894, the northeast corner of Corrected General Warranty Deed, Book 5813, Page 603, said Deeds being filed in the office of the Tulsa County Clerk, said point also known as being on the northerly right-of-way line of Fry Creek;

Thence S 88°35'18" W, along the southerly line of said Document No. 2021067894, the northerly line of said General Warranty Deed and the northerly right-of-way line of said Fry Creek, a distance of 724.02 feet;

Thence N 00°59'06" W, parallel with the easterly line of said NW/4 of the SW/4, a distance of 655.32 feet to the "Point of Beginning".

Said tract contains 472,674 square feet or 10.8511 acres.

The non-astronomical basis of bearings contained herein are based upon the west line of the Southwest Quarter (SW/4) of Section One (1), 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, as being N 00°56'28" W.



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
Date: Monday, January 10, 2022
Item Title: Restaurants at Boardwalk
Rezone (BXZO-21.21), and Planned Unit Development (BXPUD-21.13)

(Mixed-Use Development: Multi-Tenant Food Hall with Brew Pub and
Drive-through Coffee; Office/ General Retail Uses)
Initiator: Carolyn Back
Source: Carolyn Back

PROPOSED ZONING: (CG) Commercial General
PROPOSED USE: Multi-tenant Food Hall with supplemental zoning (PUD-21.13)
KEY ISSUE: Rezone and PUD needed for Mixed-use development
approval within City of Bixby
COUNCIL ACTION: Approval, Approve with conditions, Deny
Rezone (BXZO-21.21)
Planned Unit Development (BXPUD-21.13)
RECOMMENDATION: Staff recommends approval



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
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Staff Report

To: City of Bixby, Planning Commission
From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner
Date: Tuesday, December 14, 2021
Name: Restaurants at Boardwalk
(Mixed-Use Development: Multi-Tenant Food Hall with Brew Pub and Drive-through Coffee; Office/ General Retail Uses)
RE: Rezone (BXZO-21.21), and Planned Unit Development (BXPUD-21.13)
Location: 8210 and 8218 E 121st Street
2.50 Acres (+/-)
STR: Section 1, Township 17N, Range 13E
Applicant: Select Design – Ryan McCarty

Request:

The applicant is requesting a Rezone (BXZO-21.21) from Commercial Shopping (CS) to Commercial General (CG) with Supplemental Zoning through (BXPUD-21.13).

Existing Zoning; Use:

Commercial Shopping (CS); Atlas Building
PUD-81; Residential Multi-Family campus

Abutting Zoning; Use:

North: (CS) Commercial Shopping; Convenience Store
(CS) Commercial Shopping; Townhouses
East: (PUD-81, PUD-81-A) Residential Multi-Family; Apartments
South: (RM-3) Residential Multi-Family; Stormwater Retention/Detention Pond
West: (CS) Commercial Shopping; Fast Food Restaurant and Flooring commercial business

Proposed Zoning; Use:

(CG) Commercial General; Multi-tenant Food Hall with supplemental zoning (PUD-21.13)

Staff Review

The Restaurants at Boardwalk is a proposed mixed-use, commercial development of a multi-tenant food hall, brewpub, drive-thru coffee building and an office / general retail building on a 2.5-acre tract of land within the City of Bixby.

The project is located on the south side of East 121st Street South approximately 500 feet east of South Memorial Drive. This property lies within our Corridor Appearance District and will be required to comply with these standards.

The proposed Rezone with supplemental zoning PUD-21.13 with the Corridor Appearance Plan requirements aligns with the Comprehensive Plan and the 2030 Future Land Use Map designation of Mixed-Use.

Development Area A - Restaurant / Brew Pub:

# of Acres (Gross) 1.994 Acres (+/-)	# of Acres (Net) 1.9445Acres (+/-)	Max FAR .75	Max Allowed Bldg SF 63,531 SF
Zoning & Permitted Uses CG Uses by Right PUD-21.13	Prohibited Uses Sexually Oriented Businesses per 11- 7D-6	Max Bldg Height 5-stories or 70 feet	Approx Bldg SF 18,500 SF
Use Unit 10 Off Street Parking Areas	Use Unit 12 Entertainment establishments and eating establishments other than drive- ins	Use Unit 13 Convenience Goods and Services	Use Unit 19 Hotel, Motel and recreation facilities (Brewpub Use Only)

Development Area B – Office General Retail:

# of Acres (Gross) 0.508 (+/-)	# of Acres (Net) 0.483 (+/-)	Max FAR .75	Max Allowed Bldg SF 15,774 SF
Zoning & Permitted Uses CG Uses by Right PUD-21.13	Prohibited Uses Sexually Oriented Businesses per 11- 7D-6	Max Bldg Height 5-stories or 70 feet	Approx Bldg SF 7,500 SF
Use Unit 10 Off Street Parking Areas	Use Unit 11 Office and Studios	Use Unit 13 Convenience Goods and Services	Use Unit 14 Shopping Goods and Services

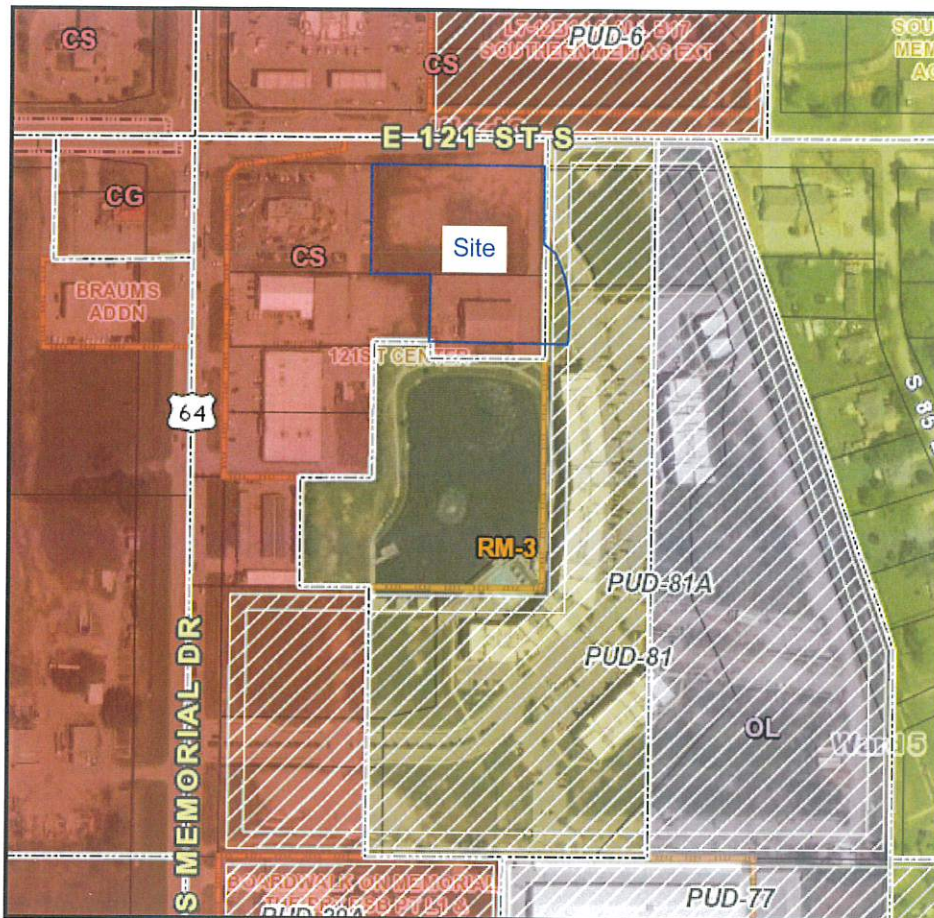


Figure 1: City of Bixby Zoning Map

Utilities: City of Bixby Water, Stormwater, and Sanitary Sewer

Engineering Comments: To be addressed at permitting

Public Comments: No public comments received

Staff Comments:

1. Staff supports Planning Commission recommendation for approval.

Attachments:

Exhibit A: BXPUD-21.13 by Select Design, December 9, 2021

**Planned Unit Development
BXPUD-21.13**

RESTAURANTS AT BOARDWALK

Bixby, Oklahoma

December 9, 2021



DEVELOPMENT ANALYSIS
PROJECT MANAGEMENT
DRAFTING & DESIGN

P.O. Box 548
Bixby, Oklahoma 74008
Phone: (918) 798-8356



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I. Development Concept

Restaurants at Boardwalk is a proposed mixed-use, commercial development requesting approval of a Planned Unit Development to allow a multi-tenant food hall, brewpub, drive-thru coffee and office / general retail on a 2.5-acre tract of partially developed land within the City of Bixby. Historically, a portion of this property was developed as a sales office / warehouse for a general contractor which is planned to be removed from the property. The project is located on the south side of East 121st Street South approximately 500 feet east of South Memorial Drive.

Objectives:

- To permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties
- To permit greater flexibility within the development to best utilize the physical features of the particular site
- To encourage the provision and preservation of meaningful open space
- To encourage integrated and unified design and function of the various uses comprising the planned unit development
- To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility.

Legal Description

A TRACT OF LAND THAT IS PART OF LOT FIVE (5), BLOCK ONE (1) AND RESERVE AREA "A", 121ST CENTER, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4728 AND PART OF LOT THREE (3), BLOCK ONE (1), CHATEAU VILLAS, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 6671, ALL PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

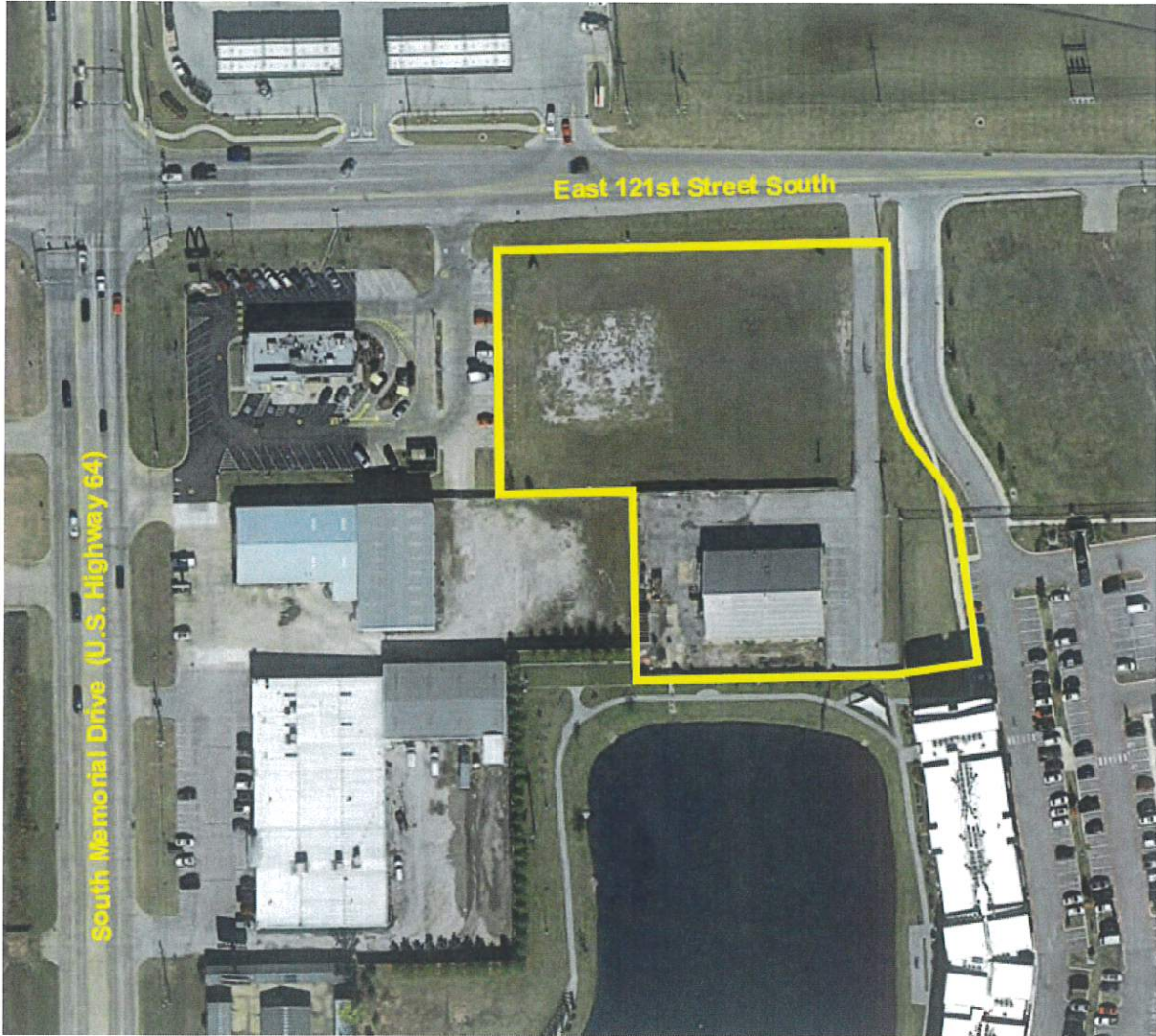
COMMENCING AT THE NORTHWEST CORNER OF THE NW/4 OF SAID SECTION 1; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE THEREOF 663.98 FEET; THENCE SOUTH 01°20'54" EAST A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER AND THE POINT OF BEGINNING; THENCE SOUTH 00°59'54" EAST ALONG THE EAST LINE OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER, A DISTANCE OF 97.87 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 88.95 FEET, A CENTRAL ANGLE OF 39°12'11", A CHORD BEARING OF SOUTH 20°35'59" EAST AND A CHORD DISTANCE OF 87.22 FEET; THENCE SOUTH 40°12'04" EAST A DISTANCE OF 10.12 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 97.00 FEET, AN ARC LENGTH OF 41.35 FEET, A CENTRAL ANGLE OF 24°25'37", A CHORD BEARING OF SOUTH 27°59'16" EAST AND A CHORD DISTANCE OF 41.04 FEET; THENCE SOUTH 08°32'16" EAST A DISTANCE OF 122.11 FEET; THENCE SOUTH 81°18'32" WEST A DISTANCE OF 70.94 FEET TO A POINT ON THE EAST LINE OF SAID RESERVE "A", 121ST CENTER; THENCE SOUTH 88°39'06" WEST A DISTANCE OF 215.00 FEET; THENCE NORTH 00°59'54" WEST A DISTANCE OF 155.00 FEET; THENCE SOUTH 88°39'02" WEST A DISTANCE OF 110.69 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 200.01 FEET TO A POINT IN THE NORTH LINE OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE THEREOF 325.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 108,990.64 SF OR 2.502 ACRES, MORE OR LESS.

EXHIBIT A
VICINITY MAP



EXHIBIT B
AERIAL PHOTO



East 121st Street South



EXHIBIT D
CURRENT ZONING MAP

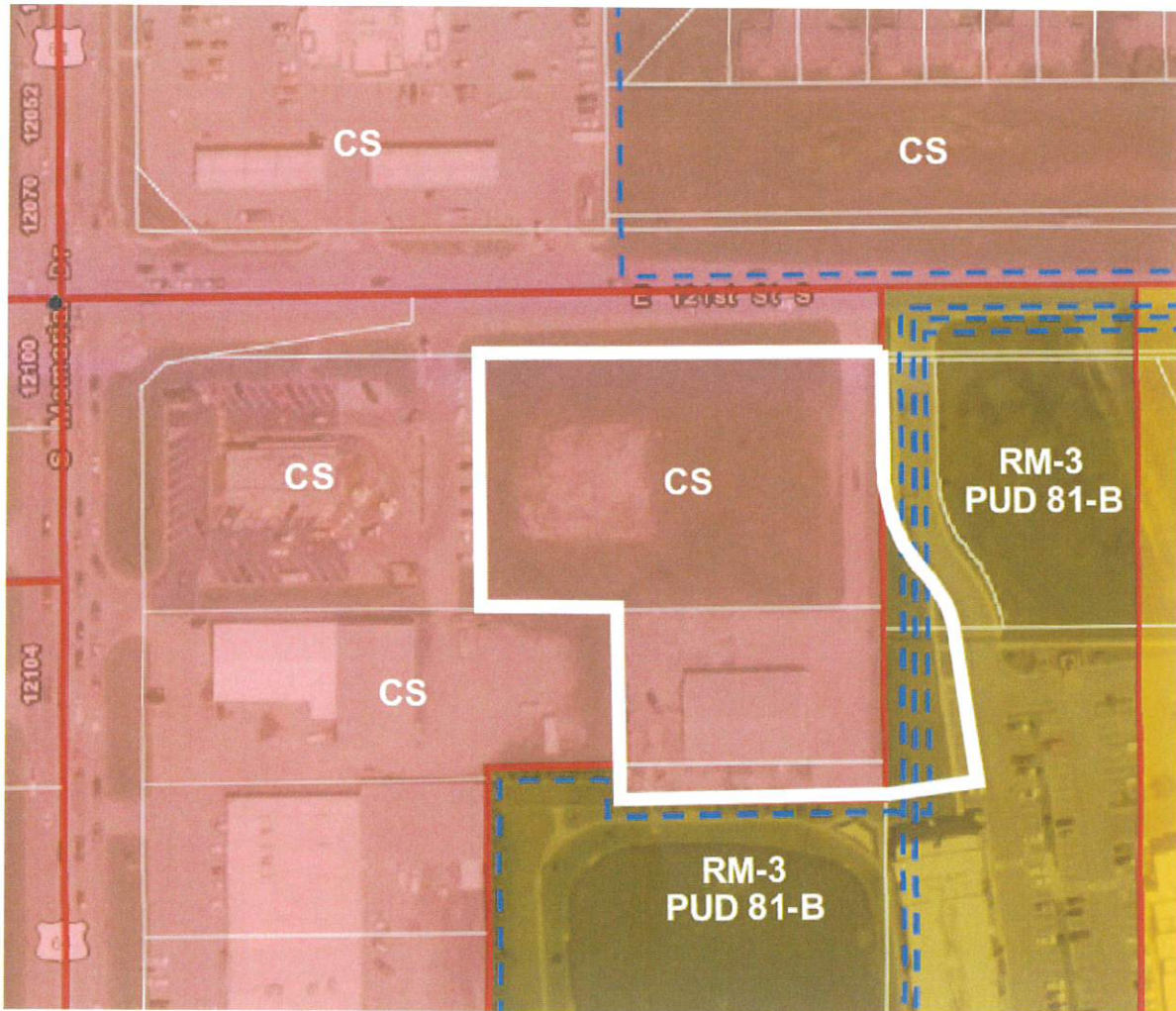
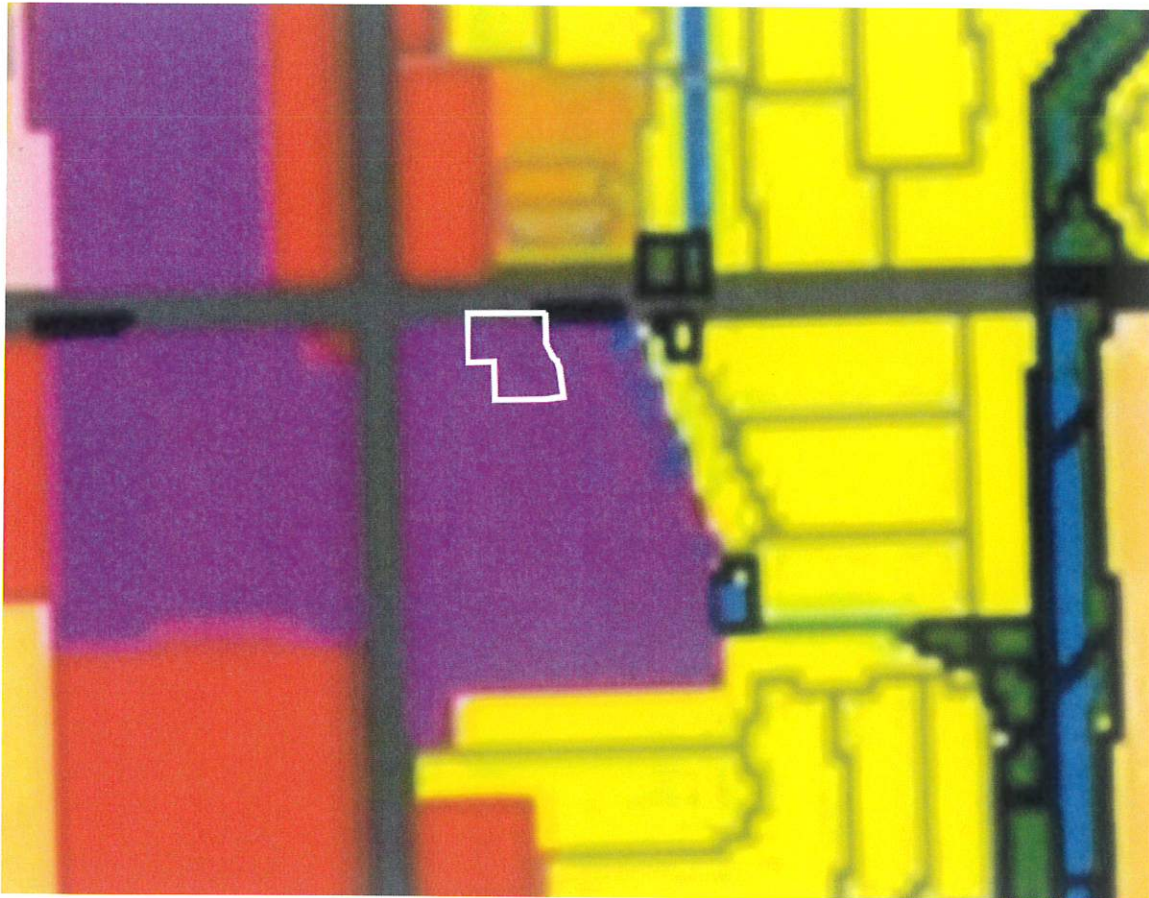


EXHIBIT E

BIXBY COMPREHENSIVE PLAN



The Mixed Use designation denotes areas where multiple unrelated uses are permitted on a single lot, clustered together to create a dense, walkable, and active urban area. Multiple uses may be stacked vertically in a single structure, or horizontally in a well-planned fashion. These areas should be pedestrian-oriented and located at focal points within the City, such as Downtown. Density: 10+ du/ac

Zoning: RD, RT, RM-1, RM-2, RM-3, CS, OL, CG, OM, CH, ST

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

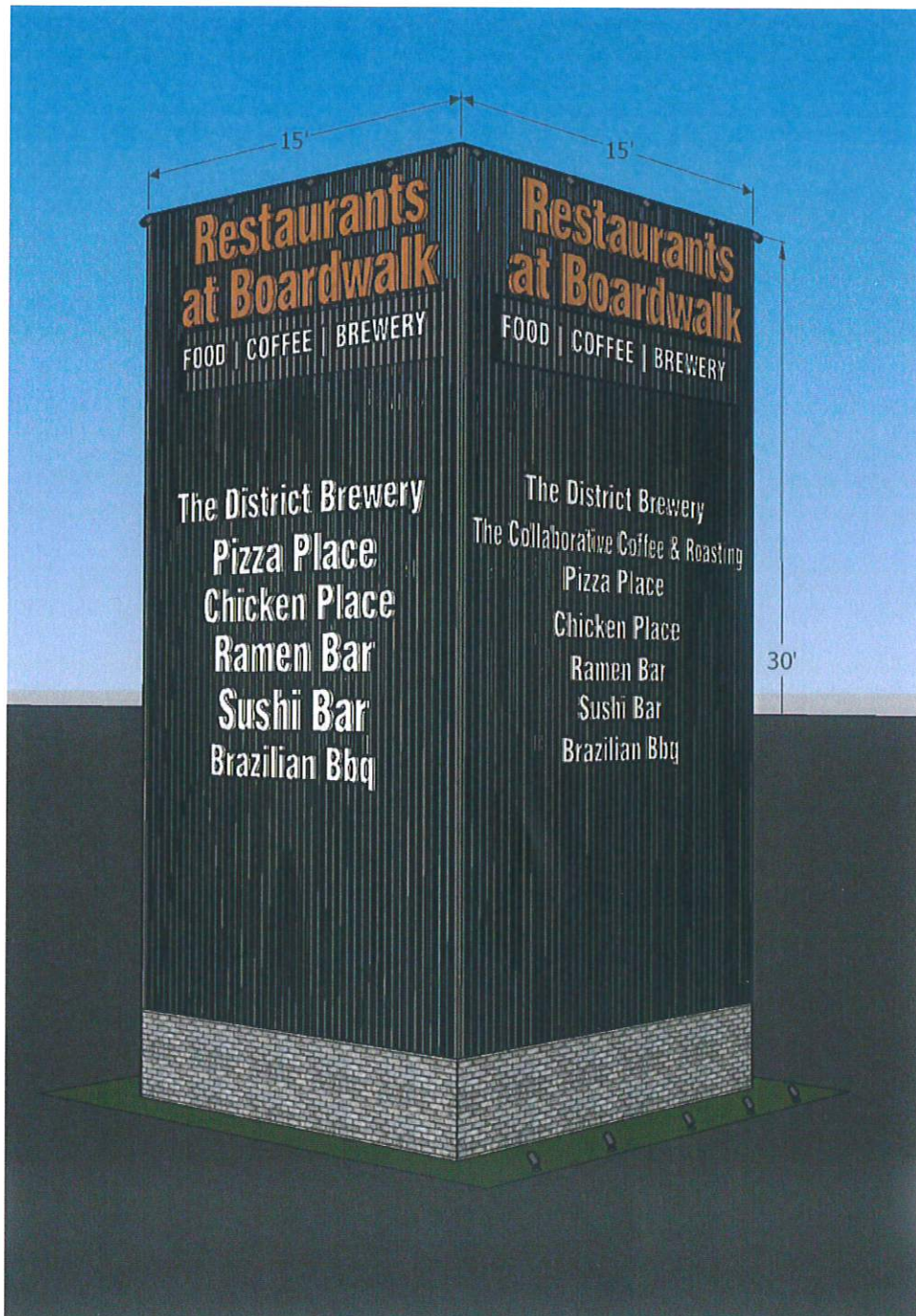
EXHIBIT F
CONCEPTUAL BUILDING PERSPECTIVES



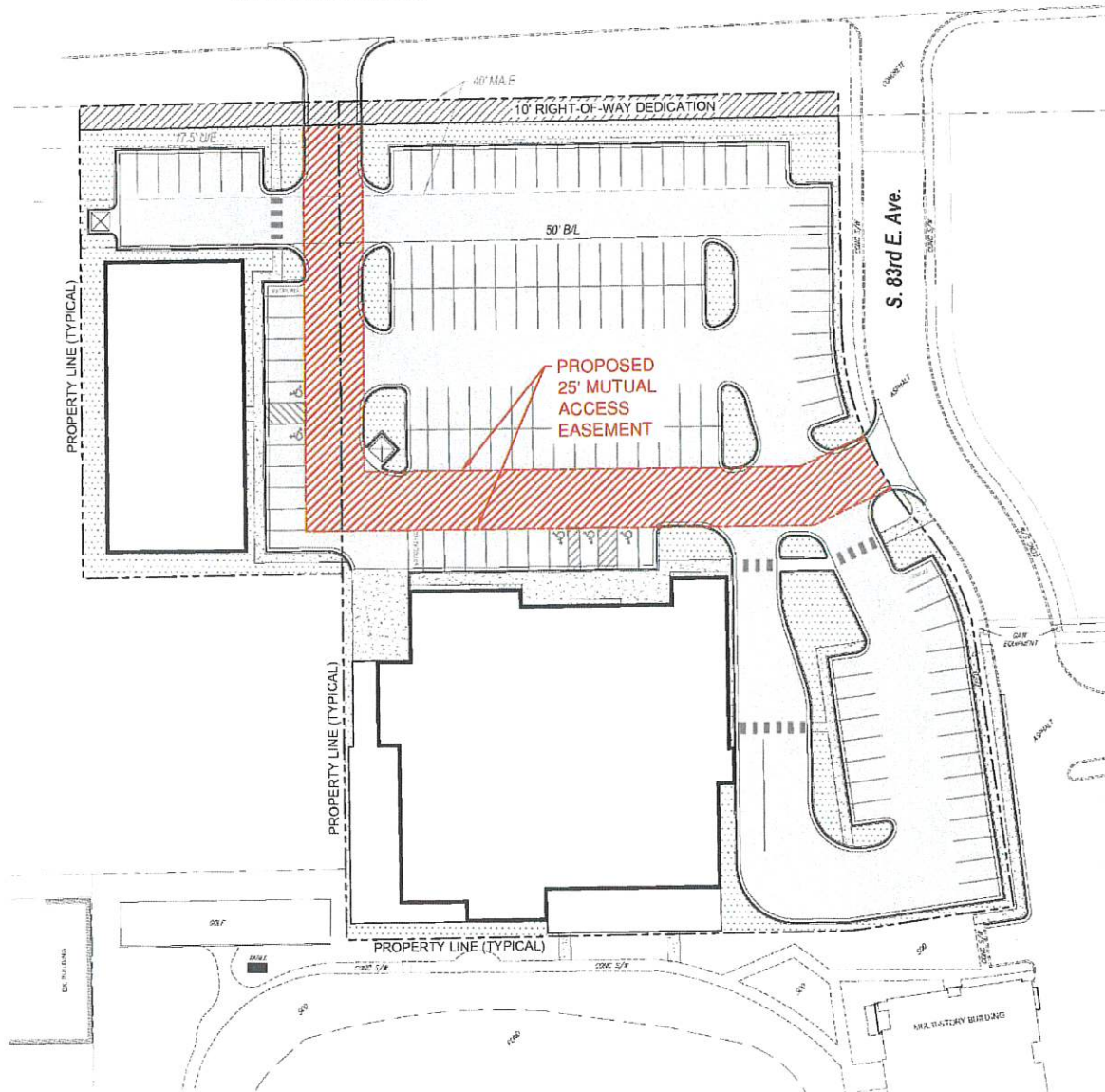




EXHIBIT G
SIGNAGE CONCEPT



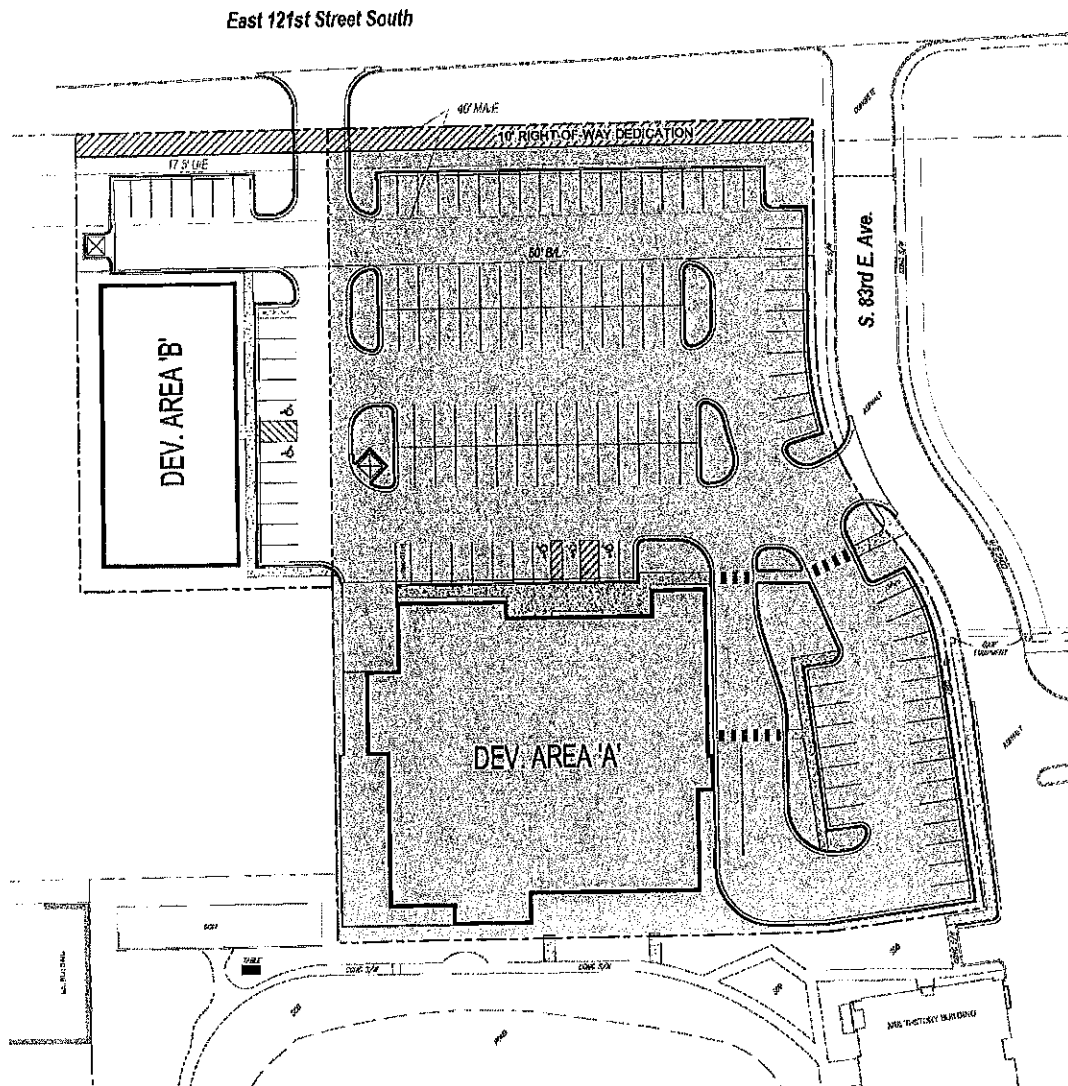
East 121st Street South



II. Development Standards

DEVELOPMENT AREAS SUMMARY

AREA	USE	SF	ACRES	% OF TOTAL	ZONING
A	Restaurant / Brewpub	86,851.44	1.994	80	CG
B	Office / General Retail	22,139.20	0.508	20	CG



DEVELOPMENT AREA - A

Restaurants at Boardwalk - a waterfront restaurant (food hall) with patio seating, brewpub and drive-thru coffee service. The proposed building shown on the Conceptual Site Plan is approximately 18,500 SF.

Gross Lot Area (prior to right-of-way dedication): 86,851.44 SF (1.994 AC)

Net Lot Area (after right-of-way dedication): 84,708.21 SF (1.945 AC)

Zoning: CG

Permitted Uses: Uses permitted by right (including all uses customarily accessory thereto) within the CG district except any Sexually Oriented Business (as defined by Zoning Code Section 11-7D-6). "Stacking" of uses customarily found in a mixed-use development shall also be allowed.

- Use Unit 10: Off Street Parking Areas
- Use Unit 12: Entertainment establishments and eating establishments other than drive-ins
- Use Unit 13: Convenience Goods and Services
- Use Unit 14: Shopping Goods and Services
- Use Unit 19: Hotel, motel and recreation facilities (Brewpub Use Only) **

*** Brewpub: An eating and drinking establishment (restaurant) with a small brewery on the premises which produces beer, ale, or other malt beverage, and where the majority of the beer, ale, or other malt beverage produced is consumed on the premises. On-site retail sales and/or wholesaling of produced beer, ale, or other malt beverage for off-site consumption is permitted, with appropriate State and City licenses. Annual production shall be limited to 3,000 barrels. Brewing waste and/or byproducts of the brewing process shall be removed from the property within 24 hours of completion of the brewing cycle.*

Maximum Building Square Footage: 63,531 SF
Based on maximum 0.75 F.A.R. per Bixby City Code 11-7D-4

Minimum Building Setbacks: Minimum front, side, and rear yards shall not be required, except for buildings along South 121st East Street shall be setback a minimum of 50 feet.

Maximum Building Height: 5 stories or 70 feet

Screening: No internal screening of differing uses within the boundaries of the PUD is required.

Operations Restriction: Permitted uses within Development Area A (i.e. brewing process, coffee roasting, etc.) shall have slight or no objectionable emission of odors produced by business operations.

DEVELOPMENT AREA - B

Office / General Retail & Services – the proposed building shown on the Conceptual Site Plan is approximately 7,500 SF.

Gross Lot Area (prior to right-of-way dedication): 22,139.20 SF (0.508 AC)
Net Lot Area (after right-of-way dedication): 21,032.25 SF (0.483 AC)

Zoning: CG

Permitted Uses: Uses permitted by right (including all uses customarily accessory thereto) within the CG district except any Sexually Oriented Business (as defined by Zoning Code Section 11-7D-6). “Stacking” of uses customarily found in a mixed-use development shall also be allowed.

- Use Unit 10: Off Street Parking Areas
- Use Unit 11: Office and studios
- Use Unit 13: Convenience Goods and Services
- Use Unit 14: Shopping Goods and Services

Maximum Building Square Footage: 15,774 SF
Based on maximum 0.75 F.A.R. per Bixby City Code 11-7D-4

Minimum Building Setbacks: Minimum front, side, and rear yards shall not be required, except for buildings along South 121st East Street shall be setback a minimum of 50 feet.

Maximum Building Height: 5 stories or 70 feet

Screening: No internal screening of differing uses within the boundaries of the PUD is required.

III. General Provisions

A. Landscaping:

Per Chapter 12 of the City of Bixby Zoning Ordinance, and additional requirements as follows:

1. Along the southern and eastern boundaries of the PUD abutting a residential district, a landscaped edge shall be established providing a minimum, average width of three feet (3'). Landscaped edge shall be planted with ten (10) shrubs (3-gallon minimum) for every fifty (50) lineal feet. Required shrubs shall not count towards the minimum landscaping requirements of Chapter 12 of the City of Bixby Zoning Ordinance.

B. Screening:

1. Service equipment (including HVAC equipment) and areas shall be screened so the visual impacts of these functions are fully contained and out of view from a person standing on the ground at the perimeter of the PUD boundary.
2. Screening materials for solid waste collection and loading areas shall be a six-foot tall wooden fence. Trash dumpsters shall have a door, which shall remain closed when not in use.

C. Parking:

1. Required parking for a particular use may be located and maintained anywhere within the Property subject to each parking space being a maximum of 600 feet from any building entry.
2. The Owner is required to submit parking information with each building permit and shall maintain an ongoing count of parking spaces and the allocation of parking spaces toward a particular use.
3. Uses within Development Area B may share required parking spaces where the Owner can submit a shared parking analysis prepared by a professional engineer to the Director of Development Services demonstrating the feasibility of shared parking for multiple uses. The shared parking analysis shall address at a minimum the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
4. Up to 80% of the parking spaces required for a brewpub (evening entertainment after 5:00 PM) may be provided and used jointly by offices and similar uses not normally open, used, or operated during evening hours if specifically approved by the Director of Development Services.

D. Lighting:

1. All pole-mounted and building-mounted lighting shall be oriented to minimize light leaving the development. All lights shall face down and away from the boundary of the development.

2. The mounting height of each fixture light shall not exceed 20' as measured from the pavement to the light fixture.
3. A maximum light level of 0.5 foot-candles (measured at three feet (3') above grade) shall be obtained at the perimeter of the PUD boundary. In conjunction with the detailed site plan and landscape plan review, a photometric study shall be submitted to and approved by the by the Bixby Planning Commission and City Council in accordance with the City of Bixby Zoning Code.

E. Signage:

1. A maximum of one (1) freestanding sign shall be allowed. (Refer to Exhibit G – Signage Concept)
2. Freestanding sign is subject to a maximum height limit of thirty feet (30') and shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of street frontage. Only one side of double faced signs shall be included in the computation of display surface area.
3. No sign shall exceed an illumination of seventy-foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination. Illuminated signs shall not face a residential district. Electronic message signs are prohibited.
4. Wall and canopy signs shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of the building wall to which the sign or signs are affixed.
5. Directional signs are subject to a maximum height limit of eight feet (8') and may not exceed 32 square feet of "total" display area.
6. No sign permit shall be issued until a detailed site plan and landscape plan is submitted to and approved by the Bixby Planning Commission and City Council in accordance with the City of Bixby Zoning Code.

F. Utilities:

Proposed public utility infrastructure design shall be submitted to and approved by the City Engineer and in accordance with the City of Bixby Engineering Design Criteria.

G. Topography and Existing Soils:

The property consists of relatively flat, well maintained vegetated lawn with the southern portion previously developed including a single commercial building and associated driveway and parking areas. Elevations range from 609 feet to 613 feet. The Soil Survey of Tulsa County, Oklahoma was used to help identify soil types present on the site which consists of:

- 100% - Osage silty clay, 0 to 1 percent slopes

H. Drainage:

A portion of the site is currently covered with an existing building and associated pavement. The re-developed site will follow existing drainage patterns where possible. The final drainage and grading design shall be submitted to and approved by the City Engineer and in accordance with the City of Bixby Engineering Design Criteria.

I. Vehicular Access and Circulation:

1. All private driveway and/or street connections shall be subject to the City Engineer curb cut permit approval for the proposed access points on East 121st Street South and South 83rd East Avenue, and the Fire Marshal's approval of locations, spacing, widths, and curb return radii.
2. Delivery vehicles shall be limited to bobtail trucks only. No semi-trucks allowed.

J. Emergency Vehicle Access & Mutual Access Easement:

A fire apparatus road (20' wide) shall be established and maintained for emergency vehicles. Pavement striping, signage, etc. shall be submitted to and approved by the Fire Marshal. For the benefit of each property owner, a mutual access easement shall be prepared and duly filed of record at the Tulsa County Clerk's Office. (Refer to Exhibit H – Mutual Access Easement)

K. Detailed Site Plan and Landscape Plan Review:

No building permit shall be issued until a detailed site plan and landscape plan is submitted to and approved by the Bixby Planning Commission and City Council in accordance with the City of Bixby Zoning Code. Any standard requirements of the City of Bixby Fire Chief, Fire Marshal, City Engineer, City Planner and City Attorney shall be met as part of the PUD detailed site plan and landscape plan approval.

IV. Anticipated Construction Schedule

Construction shall commence within 6 months from the date this PUD is approved by City Council.

ORDINANCE No. 2382

AN ORDINANCE AMENDING ORDINANCE NUMBER 272; REZONING A TRACT OF LAND, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, FROM CS (COMMERCIAL SHOPPING) TO CG (COMMERCIAL GENERAL) CLASSIFICATION (BXZO-21.21) 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. 2382 be and the same is now amended and the following described property, to-wit:

A TRACT OF LAND THAT IS PART OF LOT FIVE (5), BLOCK ONE (1) AND RESERVE AREA "A", 121ST CENTER, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 4728 AND PART OF LOT THREE (3), BLOCK ONE (1), CHATEAU VILLAS, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 6671, ALL PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17), NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NW/4 OF SAID SECTION 1; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE THEREOF 663.98 FEET; THENCE SOUTH 01°20'54" EAST A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER AND THE POINT OF BEGINNING; THENCE SOUTH 00°59'54" EAST ALONG THE EAST LINE OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER, A DISTANCE OF 97.87 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 88.95 FEET, A CENTRAL ANGLE OF 39°12'11", A CHORD BEARING OF SOUTH 20°35'59" EAST AND A CHORD DISTANCE OF 87.22 FEET; THENCE SOUTH 40°12'04" EAST A DISTANCE OF 10.12 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 97.00 FEET, AN ARC LENGTH OF 41.35 FEET, A CENTRAL ANGLE OF 24°25'37", A CHORD BEARING OF SOUTH 27°59'16" EAST AND A CHORD DISTANCE OF 41.04 FEET; THENCE SOUTH 08°32'16" EAST A DISTANCE OF 122.11 FEET; THENCE SOUTH 81°18'32" WEST A DISTANCE OF 70.94 FEET TO A POINT ON THE EAST LINE OF SAID RESERVE "A", 121ST CENTER; THENCE SOUTH 88°39'06" WEST A DISTANCE OF 215.00 FEET; THENCE NORTH 00°59'54" WEST A DISTANCE OF 155.00 FEET; THENCE SOUTH 88°39'02" WEST A DISTANCE OF 110.69 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 200.01 FEET TO A POINT IN THE NORTH LINE OF SAID LOT FIVE (5), BLOCK ONE (1), 121ST CENTER; THENCE NORTH 88°39'06" EAST ALONG THE NORTH LINE THEREOF 325.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 108,990.64 SF OR 2.502 ACRES, MORE OR LESS.

Located at 8210 and 8218 E 121st Street, Bixby, Oklahoma, BXZO-21.21 and BXPUD-21.13, be and the same is now rezoned from CS (Commercial Shopping) to CG (Commercial General) classification with supplemental Planned Unit Development (PUD) 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.

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 , 2022.

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 , 2022.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

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 November 5th 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**

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 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