

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
June 24, 2024 at 6:00 PM

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on June 21, 2024, on or before 5:00 p.m.

Call to Order

Vice Mayor Founds called the Bixby Public Works Authority Meeting to order at 6:01 pm.

Roll Call

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

Members Present

Mayor Guthrie (Not Present)
Vice Mayor Founds
Councilor Girard
Councilor Hirshey
Councilor Schultz

Staff Present

Jared Cottle, City Manager
Shannon Duran, City Clerk
Phil Frazier, City Attorney
Charles Barnes, Finance Director
Bea Aamodt, Public Works Director
Justin Dowd, City Engineer
Bryan Toney, Public Information Officer

Pledge of Allegiance

Invocation

Consent Agenda

- 1) Minutes for the Work Session dated 06/10/24.
- 2) Minutes for the City Council Meeting dated 06/10/24.
- 3) Consider and approve the OMAG (Oklahoma Municipal Assurance Group) recommendation for denial for claimant Kennard Ross, Claim 214823-1-LN..

- 4) Consider and/or approve the expenditure of \$13,000 approved as a part of the FY25 budget for renewal of the annual software support agreement from M&M Micro-Systems for the police computer-assisted dispatch and the police records management systems. This is a recurring maintenance contract.
- 5) Consider and/or approve expenditure of the low bid amount of \$33,749 to Invisio Communications, Inc., from the mutual SWAT team revolving budget shared by four other area agencies to replace the 10-year-old SWAT team radio system of which no replacement parts are available. The system will be shared by SWAT members from Bixby, Jenks, Sapulpa, and Sand Springs.
- 6) Consider and/or approve the expenditure of \$20,400 approved as a part of the FY25 budget for the purchase and installation of six (6) cameras as the sole source from Flock Safety Systems for six (6) high-traffic areas including 101st at Mingo, 121st at Sheridan, 161st at Memorial, 151st and Sheridan, and two at each end of Bentley Park.
- 7) Consider and/or take action on approval of Resolution No. 2024-11, formally re-adopting authorized and existing fees and preset fines charged by the City of Bixby, its agencies, boards and departments.

Vice Mayor Founds said Items 1-7 on the Consent Agenda is up for discussion and consideration.

Vice Mayor asks for a motion to approve items 1-7. Councilor Girard made a motion to approve, seconded by Councilor Hishey. The vote was taken with the following results:

Carried:4-0-1

Ayes: Girard, Hirshey, Schultz, Founds,

Nays:0

Absent:: Guthrie

Regular Agenda

- 1) Discussion, consideration, and possible vote for approval of a resolution vacating an alleyway easement for the purpose of passage and preserving such easement for existing utilities and specific and limited use by the Bixby Historical Society. Resolution 2024-12

Vice Mayor Founds said Item 1 on the Regular Agenda is up for discussion and consideration.

Item presented by Justin Dowd

Others who spoke: Charimanof Bixby Historical Society, Victoria Oltmann

Discussions were held regarding the vacation of the alleyway easement allowing the city to grant specific and limited use by the Bixby Historical Society as part of their development on that site. The Sanitary Sewer utilities, ONG, and BTC utilities will remain in the easement. The closure of the alley for travel through the property. It would remain open for utilities and use the Historical Society to continue its development. The President of the Bixby Historical Society provides the council with an overview of expected development. The City will keep ownership of the property and grant use of the easement to the Historical Society. Further discussions were held as to what will be allowed as part of the development of the property and the easement. Further discussions and clean up as to clarification to the property to come back at a later time as a different item.

City Attorney, Phil Frazier, says the resolution in the packet is corrected due to Scrivner's error to read Bixby Historical Society. A correction was made to the Resolution.

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

Carried:4-0-1

Ayes: Hirshey, Founds, Girard, Schultz

Nays:0

Absent:: Guthrie

- 2) Discussion, consideration, and possible vote for approval of Revised Final Plat (B.X.P.T.) number 24.04 for Robinson Ranch IV; the property contains (+/-) 16.409 acres in Section 25, Township 17 North, Range 13 East, located approximately 16500-Block of South Memorial Drive.

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

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: Justin Morgan Tanner Consultants

Justin Dowd, the City Engineer, provided the council with an overview of the Robinson Ranch IV project. Discussions ensued regarding the lots for Robinson Ranch IV. Developers are working with the Corps on the preservation of the wetlands and the planning of collector streets. The Fire Marshall has requested an interim access easement on one of the lots to allow access through Pecan Park during this phase of the project. The Corps contacted the developer to notify them of a wetlands area within the development site. The plans are currently being reworked to allow for development around the wetland areas.

The applicant provided more information to the council about the wetlands area, advising that the wetlands will be maintained and protected. Further discussions were held on the collector streets.

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

Carried:4-0-1

Ayes: Hirshey, Schultz, Girard, Founds

Nays:0

Absent:: Guthrie

- 3) Discussion, consideration, and possible vote for approval of Final Plat (B.X.P.T.) number 24.05 for Pecan Ridge Estates Blocks 1-8; the property contains (+/-) 42.551 acres in Section 17, Township 17 North, Range 13 East, located approximately 14700-Block of South Harvard Avenue.

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

Item presented by City Planner, Justin Dowd on behalf of Joey Wiedel

Others who spoke: Justin Morgan Tanner Consultants

Justin Dowd, City Planner, provided the council with an overview of the Pecan Ridge Estates project. Councilor Hirshey inquired about the masonry being listed as 10%. Justin Dowd clarified that the Planned Unit Development (PUD) lists it as 100% masonry, so the 10% must be a typo. Staff then provided the council with recommendations for passage, including details about the wetland areas and a 40-foot utility easement. Councilor Ken Hirshey moved for the final plat approval of blocks 1-8 with the following exceptions:

The wetlands reserve area must be shown and labeled on the plat.

The addresses must be shown on the plat.

The 40-foot utility easement in block 6, lines 9 and 10, must be revised to 11 feet.
The plat covenants on page 98, section B, need to be revised to indicate 100% masonry.
Section 1C-3 must clarify that the storm sewer is a public storm sewer.

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

Carried:4-1-1

Ayes: Hirshey, Schultz, Founds

Nays: Girard

Absent:: Guthrie

- 4) Discussion, consideration, and possible vote for approval of Ordinance Number 2468 Bixby Zoning (B.X.Z.O) number 24.02 Rezoning for Spartan Crossings, from Agriculture (AG) to Residential Single-Family (RS-2). The property contains (+/-) 112.481 acres in Section 26, Township 17 North, Range 13 East, located approximately 1/4 mile South Sheridan Road, 6900-Block of East 161st Street South.

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

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: Erick Enyardt and Justin Morgan, Tanner Consultants. Citizens: Jerry Ezell and Paul Blair

City Planner, Justin Dowd, provided the council with an update and overview of the project. The PUD application was withdrawn by the applicant and is requesting to proceed with a rezone from AG to RS-2. The Planning Commission passed this item with a 4-0 vote. The primary concerns were drainage, lot sizes, and house sizes as laid out in the PUD (which is not before the council in this meeting).

Councilor Hirshey expressed concern that there is no Planned Unit Development (PUD) in place. The council's primary concern is whether the density complies with regulations, and they are hesitant to approve the project without knowing what it will look like. Discussions were held between the council and staff regarding PUD requirements. Additionally, the council and the applicant discussed zoning, PUD requirements, and the comprehensive plan. Further concerns were raised by the council that, without a PUD, masonry requirements cannot be enforced.

Jerry Ezell provided the council with handouts and presented a PowerPoint at the meeting (a copy of the handout is attached to the minutes). Mr. Ezell gave an overview of the property, including its location in the floodplain, the bridge, and the impact on surrounding area drainage. Mr. Ezell is asking that a drainage study be completed before the council approves this item.

Mr. Paul Blair provided feedback on the Planning Commission's proceedings and expressed concerns about the development project and the potential for surrounding areas to flood. He requested that the City address the wetlands issue before the final plat process.

Applicant Justin Morgan from Tanner Consultants stated that they have a plan and are working with the city-hired hydrologist Bill Smith on the development plan for this area. Further discussions were held as to the floodplain, lot size, square footage, masonry, and open space. Justin states that they at some point would like to bring a PUD back to the council for review/approval. Council requested more information as to the development which would be provided in the PUD. Councilor Girard expressed concerns about where the water will go and stated that they have difficulty approving anything in a flood zone. Further discussions were held as to the engineering and wetlands,

Vice Mayor Founds asks for a motion to approve item 4. No motion was made.

Vice Mayor Founds says that Item 4 fails for lack of motion

- 5) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance Number 2468, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, welfare, morals, and service to the citizens.

Item 5 is not applicable due to item 4 failing.

- 6) Discussion, consideration, and possible vote for approval of Ordinance Number 2474 Bixby Zoning (B.X.P.U.D) number 19.04 Major Amendment No. 2, Planned Unit Development for 126 Memorial. The property is located in Section 2, Township 17 North, Range 13 East, on the Northwest Corner of East 126th Street South and South Memorial Drive.

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

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: Paul Blair

City Planner, Justin Dowd, provided the council with an update and overview of the project. The applicant is requesting to approve the PUD and approve the landscaping to 6 ft vs the 15ft buffer which would be more landscaping along Memorial Drive. The Planning Commission voted 3-1 deviating from the Memorial requirement of 15 ft landscaping. Changes would not affect the widening of Memorial Drive. According to the Zoning Code, the minimum required parking spaces for "Use Unit 11: Offices and Studios" on 6,251 square feet would be 21. The applicant requests approval to realign the landscape buffer from 15 feet to 6 feet, allowing for an additional 10 spaces, bringing their total proposed parking to 51. The applicant provided the council with a further update on the project, outlining its details and intentions.

Paul Blair spoke on the item and expressed that it looks like a great project. He emphasized the importance of ensuring that the project aligns with Memorial Corridor compliance.

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

Carried:4-0-1

Ayes: Hirshey, Founds, Girard, Schultz

Nays:0

Absent:: Guthrie

- 7) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance Number 2474, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, welfare, morals, and service to the citizens.

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

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: Paul Blair

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

Carried:4-0-1

Ayes: Hirshey, Founds, Girard, Schultz
Nays:0
Absent:: Guthrie

Vice Mayor Founds calls Item 10 next to approve the PUD and returns to Items 8-9 after calling Item 10.

- 8) Discussion, consideration, and possible vote for approval of Ordinance Number 2472 Bixby Zoning (B.X.Z.O) number 24.03 Rezoning for 127th and Mingo, from Residential Single-Family (RS-1) to Residential Single-Family (RS-2) The property contains (+/-) 37.179 acres in Section 01, Township 17 North, Range 13 East, located approximately 1/2 mile South of 121st and South Mingo Road.

Vice Mayor Founds said Item 8 on the Regular Agenda is up for discussion and consideration. Item presented by Justin Dowd on behalf of Joey Wiedel
Others who spoke: Paul Blair

Vice Mayor Founds clarifies that items 8-11 were heard together and discussions were held mainly when item 10 was discussed.

Paul Blair expressed concerns regarding the zoning change from RS1 to RS2, emphasizing that it should benefit the City. He highlighted that any true zoning change should be advantageous for the City as a whole.

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

Carried:4-0-1

Ayes: Hirshey, Schultz, Girard, Founds
Nays:0
Absent:: Guthrie

- 9) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance Number 2472 making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, welfare, morals, and service to the citizens.

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

Item presented by Justin Dowd on behalf of Joey Wiedel
Others who spoke: Paul Blair

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

Carried:4-0-1

Ayes: Hirshey, Founds, Girard, Schultz
Nays:0
Absent:: Guthrie

Vice Mayor Founds returned to item 11 for motion on the Emergency Clause on Item 10.

- 10) Discussion, consideration, and possible vote for approval of Ordinance Number 2473 Bixby Zoning (B.X.P.U.D) number 24.03, Planned Unit Development for 127th and Mingo. The property contains (+/-) 37.179 acres in Section 01, Township 17 North, Range 13 East, located approximately 1/2 mile South of 121st and South Mingo Road.

Vice Mayor Founds said Item 10 on the Regular Agenda is up for discussion and consideration.

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: City Manager, Jared Cottle-Erik Enyardt, Tanner Consultants, and Paul Blair

City Planner, Justin Dowd, provided the council with an update and overview of the project. Justin advises the council that items 8-11 pertain to the same project. The planning commission approved the PUD with a 4-0 vote with conditions to the masonry, lot size, and setbacks.

Applicant Erik Enyardt addressed questions and concerns from the Council regarding secondary access options. He mentioned that they are currently working on the zoning and engineering as to those aspects of the project.

Paul Blair speaks to the council regarding his concerns about zoning, infrastructure, emergency access, and floodplain concerns related to the project.

City Manager Jared Cottle updated the council on the extension of drainage systems and stormwater channels.

Discussions ensued as to the lot sizes.

Councilor Girard motions to approve with the conditions and parameters discussed.

Vice Mayor Founds asks for a motion to approve item 10. Councilor Girard made a motion to approve, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried:4-0-1

Ayes: Girard, Hirshey, Schultz, Founds

Nays:0

Absent:: Guthrie

Vice Mayor moves back to item 8-9 before calling item 11

- 11) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance Number 2473 making it effective immediately upon passage, since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, safety, welfare, morals, and service to the citizens.

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

Item presented by Justin Dowd on behalf of Joey Wiedel

Others who spoke: City Manager, Jared Cottle-Erik Enyardt, Tanner Consultants, and Paul Blair

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

Carried:4-0-1

Ayes: Hirshey, Founds, Girard, Schultz

Nays:0

Absent:: Guthrie

- 12) Discussion, consideration, and possible vote for approval of an Interlocal agreement with the City of Tulsa to make one-time repairs to streets.

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

Item presented by Jared Cottle

Others who spoke:

City Manager Jared Cottle provided the council with an overview of the interlocal agreement between the City of Bixby and City of Tulsa for road repairs. Tulsa would collaborate with Bixby on improvements to Sheridan Road.

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

Carried:4-0-1

Ayes: Girard, Founds, Hirshey, Schultz

Nays:0

Absent:: Guthrie

- 13) City Manager's Report

City Manager Jared Cottle provides an update on the upcoming events:

Green Corn Festival 6/27/24

Freedom Festival 6/28/2024 at Bentley Park

City offices will be closed on July 4th

Fireworks will be permitted: 7/3-7/6 between 3pm to 11pm

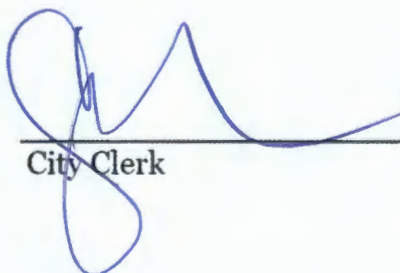
- 14) New Business

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

No new business

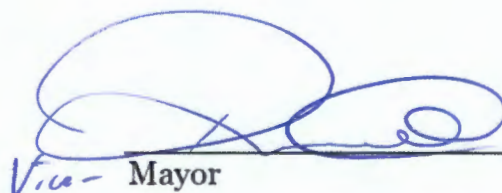
- 15) Adjournment

An adjournment was called at 8:38 pm



City Clerk





Mayor

[illegible]

Spartan Crossings

- The proposed development area.
- Application acknowledges it is in a floodplain.
- The land is virtually flat at 600' elevation.
- This shows maximum dwelling units 277 @1,700 square feet
- Planning Commission, approved development to RS2 standards without a PUD so applicant withdrew the PUD.

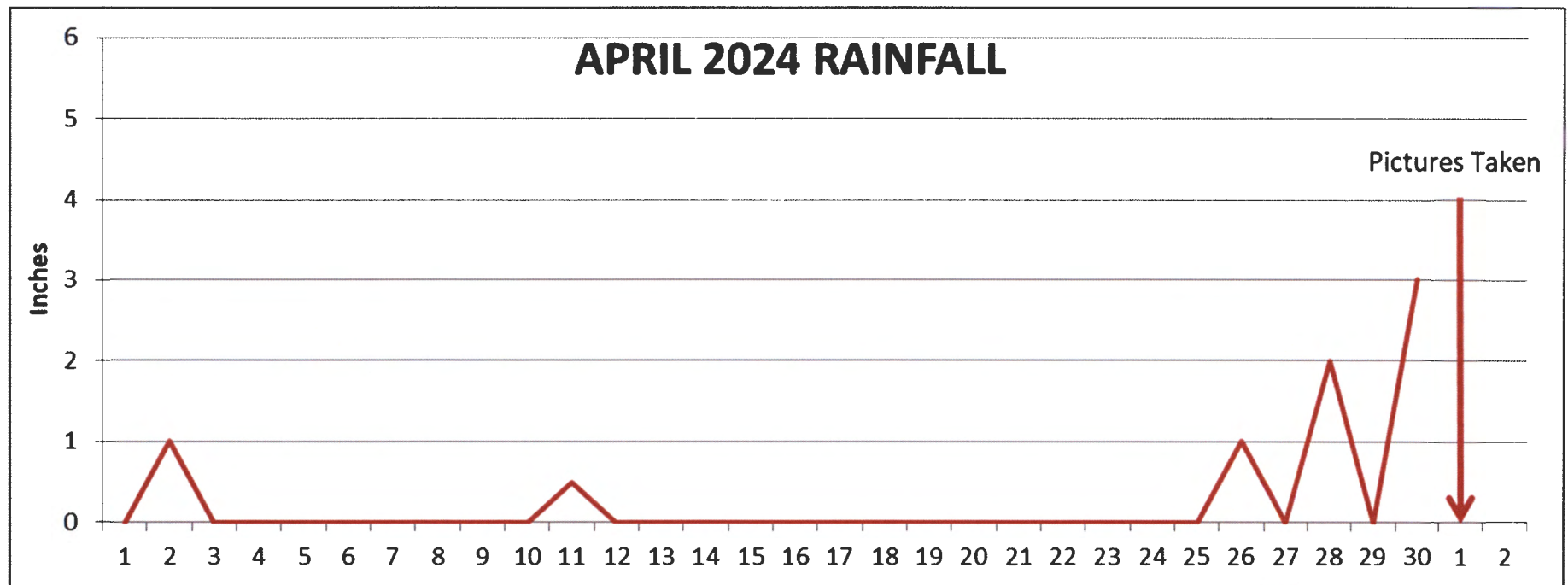


FLOODING PROBLEMS

- **There are at least 5 problems with this land related to flooding**
 - **It lies in a floodplain**
 - **Land primarily flat at 600' elevation. Water runoff currently spreads out over the land**
 - **Bixby Creek tributary flat in this area with standing water**
 - **Surrounding areas, South, Southwest and West drain to this land**
 - **161st Street bridge a restriction to the water flowing North**

- **THE BIXBY CREEK SYSTEM COMING FROM THE NORTH,**
 - **THE SWAMP WEST OF JUJAX,**
 - **THE WATER FROM MEMORIAL DR. TO RIVERVIEW DR.**
 - **AND THE SOUTH TRIBUTARY OF THE BIXBY CREEK ARE ALL TIED TOGETHER.**
- **THIS SYSTEM HAS SOME RESTRICTION THAT HOLDS THE WATER FROM DRAINING BELOW ~ THE 597 to 598' ELEVATION LEVEL.**
- **Now Spartan Crossings will drain into this water system**

The following pictures show the water levels **after** the late April storms.



- **The proposed development site after the April storms.**
- **Runoff water spreads out over the area.**
- **Picture taken from my East fence row.**



PICTURE TAKEN FROM 161st STREET, THIS IS THE DEVELOPMENT AREA. WATER LEVEL ~ 161'



- Land included in the proposed development site currently acts like a very large, shallow retaining pond.
- Remember the bridge is a restriction
- Once housing area is raised above floodplain, water cannot spread out like it does now and will potentially backflow into drainage ditches around Spartan Crossings.



- **With the restriction of the 161st Street bridge and the raised area for housing, how high will the water backflow into the drainage ditches once holding pond(s) are full?**
- **If water level rises above 600' elevation, water will potentially overflow the drainage ditches onto our or Nick Miller's property.**



- **Water backs up on South side of the 161st street bridge.**
- **Water level is at least 161'.**



BRIDGE UNDER 161ST STREET

- After the April rain, this picture shows the North side of the bridge under 161st street completely full up to 599' in elevation.
- The lower ~ 2 to 3' in the drainage ditches are restricted downstream. This does not flow. Water stands here.
- Bridge opening is 4'.



The retention pond of Legacy Farms/Ellis Ranch completely full overflows into the tributary of Bixby Creek. Not acting like a retention pond but a holding pond, water flowing straight through.



- **Our family has seen water over 161st Street at the bridge.**
- **Additional developments of the Preserves to the South, potentially Pecan Meadows to the Southwest and should the Northwest corner of 171st Street and Sheridan Rd. be developed, more runoff water will be directed to the low lying area where Spartan Crossings is proposed to be located.**
- **Also Atkinson Acres does not do a good job of slowing their runoff water. It goes across my property onto this development area.**
- **The Spartan Crossings land is so flat and the tributary is also flat, it seems that pond(s) will fill up and just become holding ponds, then once filled, they will cease to slow the water flow. Due to 161st Street bridge restriction, water will back-up on South side of 161st Street.**

Spartan Crossings Development Concerns

- Our land borders the proposed development area to the West. Along our Eastern boundary we have some land at 602' elevation. Nick Miller also borders this development area to the West. Nick's Eastern part of his land is between the 601' to 602' elevation.
- Since the housing areas in this development will be raised above the floodplain, our concern is will our land and Nick Miller's land become vulnerable to water backing up in the drainage ditches onto our property and/or will this cause some of our property to be put into a floodplain?
- From the slides, we already know that:
 - a) In April the water level rose to ~601'. This was not even a flooding event and my pictures were not taken at the height of the runoff.
 - b) The 161st Street bridge opening and the water that does not drain are restrictions to the flow of the water from this development area. There are other restriction downstream.

Spartan Crossings Development Concerns

- **Given the flat elevation of the land, drainage ditches around Spartan Crossings would potentially be same level as water in the creek. At a minimum, water may not drain from the drainage ditches due to the 161st Street bridge restriction and flow backwards into the drainage ditches when there is significant runoff from rain. This is the same problem that Conrad Farms area C has.**
- **Also, it doesn't seem that retention ponds work for this area. There is no fall in elevation for retention ponds to work properly by slowing the water flow. Retention ponds would just become holding ponds like the picture of the retention pond of Legacy Farms/Ellis Ranch; i.e. once full, water in water out.**

**What happens when
Holding pond(s)
fill up?**

**Water will backflow
due to bridge
restriction into
the drainage ditches
& potentially onto
Our property.**



JUNE 17th MEETING

- **There was a driving meeting with Jared Cottle and Justin Dowd from the City, Justin Morgan from Tanner Consulting, and Nick Miller and myself adjoining property owners.**
- **We drove the entire drainage system to the Arkansas River. All acknowledged there are downstream drainage issues on Bixby Creek causing places that should be dry actually contain standing water.**
- **This is causing a backup of water in the tributary that Spartan Crossings will drain into.**
- **Statements from the engineers in the meeting:**
 - **“The Spartan Crossings property definitely has some unique challenges”.**
 - **About water standing in drainage ditches between houses in Conrad Farms area C: “Those ditches were dug to deep”.**
 - **About water in the Legacy Farms/Ellis Ranch retention pond: “Water level should be same as water in the tributary”. “Something is wrong.” Water ~8 feet higher than tributary.**
- **So mistakes in handling runoff water can be made.**

THE BIGGER PICTURE

- **If you made a one mile radius around the 161st Street bridge, there would be over 2,500 new homes already built, under construction, already authorized or for Spartan Crossings requesting approval.**
- **Of the 2,500+ homes only ~110 are larger than 1,900 square foot homes.**
- **Of the 2,500+ homes, ~1,900 drain into the Bixby Creek water system.**
- **Then of the 1,900 homes, ~1,200 will drain into the tributary of the Bixby Creek South of the 161st Street bridge.**
- **Once the detention ponds fill up and we have a rainfall event that causes significant runoff, I believe we will have a real “water” problem South of 161st Street.**

CONCLUSION

- So this is why we need to understand the details of how Spartan Crossings will handle the large volume of runoff water.
- Please require a detail engineering study on handling the water runoff now before any approvals.
and
- Give the adjoining landowners time to have the study professionally reviewed before approvals.