

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
December 9, 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 December 6, 2024, on or before 5:00 p.m.

Call to Order

Mayor Girard called the City Council Meeting to order at 6:05 PM.

Roll Call

Acting City Clerk Gladys Gill called the roll, and the following individuals were present:

Members Present

Mayor Girard
Vice Mayor Founds
Councilor Hirshey
Councilor Schultz

Staff Present

Joey Wiedel, Interim City Manager
Gladys Gill, Acting City Clerk
Phil Frazier, City Attorney
Charles Barnes, Finance Director
Bea Aamodt, Public Works Director
Justin Dowd, City Engineer
Nick Flanary, Fire Marshal
Bryan Toney, Public Information Officer

Pledge of Allegiance

Mayor Girard announced the establishment of a new tradition to have a veteran lead the Pledge of Allegiance at least once a month. He introduced Charles Barnes, a veteran and the City's Finance Director, to inaugurate this tradition.

Invocation

City Attorney Phil Frazier led the invocation.

After the invocation, Mayor Girard opened the Regular Agenda to address item 1.

Consent Agenda

- 1) Minutes for the Work Session Meeting minutes dated 11/12/24.
- 2) Minutes for the City Council Meeting dated 11/12/24.

- 3) Consider and/or approve an Agreement with the Bixby Chamber of Commerce for downtown pole banners.
- 4) Consider and/or Approve the Traffic calming proposal from the Presley Heights HOA.
- 5) Consider and Approve the authorization for emergency purchase of a 2024 Chevrolet Colorado totaling \$33,855.00 for Development Services.
- 6) Consider and approve the authorization to purchase a 2024 Chevrolet 2500, totaling \$51,505.00 for Emergency Management.
- 7) Consider and/or approve the Downtown Façade Grant Program application for Alltech Fire and Security, located at 101 N Cabaniss Street, Bixby, Oklahoma 74008, in the amount of \$7,250.00.
- 8) Consider and/or approve the Downtown Façade Grant Program application for Alltech Fire and Security, located at 103 N Cabaniss Street, Bixby, Oklahoma 74008, in the amount of \$10,000.00.
- 9) Consider and/or approve the Downtown Façade Grant Program application for Alltech Fire and Security, located at 105 N Cabaniss Street, Bixby, Oklahoma 74008, in the amount of \$7,250.00.
- 10) Consider and/or approve the Downtown Façade Grant Program application for Alltech Fire and Security, located at 21 W Dawes Avenue, Bixby, Oklahoma 74008, in the amount of \$10,000.00.
- 11) Discuss and/or take action on Utility Easement Dedication to serve. The Reserve at Cedar Ridge.
- 12) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit No. SLO00072240756, Facility No. S20407, Greyhawk Basin Sanitary Sewer Interceptor.
- 13) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permits WLO00072240842, Facility 1020418, Robinson Ranch V, and SLO00072240843, Facility No. S20438, Robinson Ranch V.
- 14) Discuss and/or approve accepting infrastructure for Robinson Ranch Phase IV Subdivision.
- 15) Discuss and/or approve quote from Ira M. Green Construction to repair pavement damage at 134th Place at Willow Creek for \$41,259.50.
- 16) Discuss and/or take action on awarding contract to thrive Outdoor Construction, for repair of the 60" Storm Drain at 151st & Mingo; Thrive Outdoor submitted the lowest and best quote of \$21,506.00.
- 17) Discuss and/or approve quote from Diversified Civil Contractors to repair damage to the Fry Creek Outfall, located at 126th & 75th E Ave for \$65,340.00.
- 18) Consider and/or approve Tulsa Tech Invoice for Fire Academy.

After Item 1 from the Regular Agenda, Mayor Girard stated that Items 1-18 on the Consent Agenda were open for discussion and consideration.

Mayor Girard invited Mr. Seth Long, who had signed up to speak on Items 7 through 10 regarding the Façade Grant for Alltech Security. Interim City Manager Joey Wiedel clarified that Mr. Long was the applicant. Mayor Girard asked Mr. Long if he had any additional comments, to which Mr.

Long replied in the negative. Mayor Girard then confirmed that there were no issues with applicants applying for grants at multiple addresses.

Councilor Hirshey requested to pull Items 4 and 14 for further discussion.

Item 4: Councilor Hirshey inquired whether the city had obtained all required signatures from residents in the Presley Heights area and asked about the type of speed bumps to be installed. Mr. Wiedel confirmed that the city had obtained the required information from the HOA, and Police Chief Blish approved the speed bumps.

Item 14: Councilor Hirshey sought clarification on the infrastructure being considered for acceptance. City Engineer Justin Dowd explained that this item pertained to the city's acceptance of completed water and sewer infrastructure into the municipal system.

With no further questions from the council, Mayor Girard asks for a motion to approve items 1-18. Councilor Hirshey made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried: 4-0

Ayes: Hirshey, Founds, Schultz, Girard

Nays: 0

Mayor Girard reopened the Regular Agenda for discussion and proceeded to address Item 2.

Regular Agenda

- 1) Award Presentation for Council Member/ Mayor Brian Guthrie.

After the invocation, Mayor Girard acknowledged former Bixby Mayor and current State Senator Brian Guthrie by presenting him with a gavel and plaque in appreciation of his service on the City Council and his contributions to the community.

Mayor Girard then opened the Consent Agenda for discussion.

- 2) Discussion, consideration, and possible confirmation on the appointment of Scott Williams to the Bixby Planning Commission.

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

Vice Mayor Founds asked to skip item 2 for the moment until Mr. Scott Williams arrives.

After calling items 3-8 on the Agenda Mayor Girard returns to this item.

Mayor Girard said Item 2 to the Bixby Planning Commission is up for discussion.

Others who spoke: Mr. Scott Williams

Mr. Scott Williams speaks to the Council, providing an overview of his work history, dedication to the City of Bixby, and background.

Mayor Girard makes a motion to approve Scott Williams, seconded by Vice Mayor Founds. The vote was taken with the following results:

Carried: 4-0

Ayes: Girard, Founds, Hirshey, Schultz

Nays: 0

Mayor Girard calls item 9

- 3) Discussion, consideration, and possible vote for approval of an Ordinance clarifying boundaries for excess capacity fees, adding an Alderwood interceptor excess capacity fee, splitting and clarifying the fees and regions associated with the White Hawk drainage basin by dividing it into new North and South Regions, and repealing Resolution 1999-11, Ordinance 833, Ordinance 834, Ordinance 988, and Ordinance 2144; and declaring an emergency-Ordinance 2486.

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

Item Presented by: Bea Aamodt, Public Works Director Others who spoke: None

Mayor Girard asked for clarification from Bea Aamodt. Ms. Aamodt explained that the Excess Capacity Fee refers to a charge levied by the city on new developments to reimburse the city for infrastructure, in this case, Sanitary Sewer Interceptors. Ms. Aamodt explained to the Council that the cost of the line is divided by how many acres are being developed in a development and the developer is then charged per acre with reimbursement to the City. Ms. Aamodt clarifies that this Ordinance will repeal any other ordinances with Excess Capacity Fees and will combine all fees under one Ordinance to make it easier to track fees. Ms. Aamodt states that a map has been created to show the location of the sections to make it more user-friendly. This Ordinance will also clarify the two White Hawk interceptors and add Alderwood development.

Mayor Girard strikes the "Declaring an Emergency" verbiage from this item and states that the Emergency Clause for this Ordinance will be voted on in Item 4.

Mayor Girard asks for a motion to approve item 3. Vice Mayor Founds moves to approve item 3 without the Emergency Clause verbiage, seconded by Councilor Hirshey. The vote was taken with the following results:

Carried: 4-0

Ayes: Founds, Hirshey, Schultz, Girard

Nays: 0

- 4) Discussion, consideration, and possible vote to approve an emergency clause for Ordinance Number 2486 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.

Mayor Girard says item 4 is up for discussion.

Presented by Bea Aamodt, Public Works Director

Others who spoke::None

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

Carried: 4-0

Ayes: Founds, Hirshey, Schultz, Girard

Nays: 0

- 5) Discuss Phase II Storm Water Management Program for the City of Bixby.

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

Item presented by Bea Aamodt, Public Works Director

Others who spoke: None

Bea Aamodt, Public Works Director, provides the council with an update on the Storm Water Management Program, highlighting that the program involves an evaluation of water quality. A stormwater inspector ensures that builders and developers adhere to the best erosion management practices. Ms. Aamodt advised the Council that 768 brochures were mailed out to inform citizens about the program. Additionally, 128 flyers were distributed to businesses, builders, and contractors to raise awareness and provide important information regarding the program's details. Further, Ms. Aamodt shared that a partnership has been created with surrounding cities that will begin the stages of training on how to perform required water testing of the Storm Water that goes into the Arkansas River. Councilor Hirshey congratulates Ms. Aamodt on the presentation that has been made to the Bixby Public Schools Stem Program.

No vote was taken, as this item was only presented to the Council for an update.

- 6) Discussion, Consideration, and possible vote for a cost share agreement with 151 Bixby LLC to build a pedestrian bridge as part of the Haikey Creek Development; City's share of the cost is \$125,695.

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

Item Presented by: Bea Aamodt, Public Works Director

Others who spoke: None

Ms. Aamodt advises the council that the City has partnered with 151 Bixby LLC to build a 10 ft. wide pedestrian bridge to accommodate the trail system that will connect to the Haikey Creek Development. The original plan was to build a 4-5 ft. bridge; however, in partnership with Bixby 151 LLC, they agreed to construct a bridge that is 10 feet wide to accommodate the future trail. Ms. Aamodt advises that the estimated cost of the project is \$214,060.00, with the city's portion for the construction of the bridge amounting to \$125,695.

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

Carried: 4-0

Ayes: Girard, Hirshey, Founds, Schultz

Nays: 0

- 7) Discussion, consideration, and possible vote for approval of Final Plat (BXPT-24.09); Presley Heights West Blocks 4-7.

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

Item presented by Joey Wiedel, Interim City Manager

Others who spoke:

Interim City Manager, Joey Wiedel, provided the Council with an overview of the Presley Heights West, Blocks 4-7 development. Mr. Wiedel advises the Council that Plats are not subject to public advertising and that no public comments were received at the time of the staff report. Mr. Wiedel states that the Planning Commission approved the Preliminary Plat at the meeting on 11/18/2024. Councilor Hirshey inquired if there was a Plat Covenant about the fencing or further details for the Plat. Mr. Wiedel advises that the covenant will be the same as the first phase of the development.

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

Carried: 4-0

Ayes: Founds, Schultz, Hirshey, Girard

Nays: 0

- 8) Discussion, consideration, and possible vote for approval of Preliminary Plat (BXPT-24.10); Indigo Ranch, formerly known as Froning 121.

Mayor Girard said Item 8 on the Regular Agenda is up for discussion and consideration. Item presented by Joey Wiedel, Interim City Manager

Others who spoke:

Interim City Manager, Joey Wiedel, provided the Council with an overview of the Indigo Ranch development, formerly known as Froning 121. Councilor Hirshey inquired if the connector to the North would be active before development. Mr. Wiedel states that there is an Easement for that location and the connection has been approved. Mr. Wiedel advises the Council that Plats are not subject to public advertising and no public comments were received at the time of the writing of the staff report. The Planning Commission approved the Preliminary Plat at the 11/18/2024 meeting. Discussion ensued.

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

Carried:4-0

Ayes: Hirshey, Founds, Schultz, Girard

Nays: 0

After calling items 3-8 out of order, Mayor Girard returns to Item 2 on the Agenda. Mayor Girard then returns to call Item 9 after addressing Item 2.

- 9) Discussion, consideration, and possible vote for approval of Preliminary Plat (BXPT-24.11); Pecan Meadows.

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

Item presented by Joey Wiedel, Interim City Manager

Others who spoke: Justin Morgan, Tanner Consulting; Mike Jones, HOA President for Atkinson Acres; Jerry Ezell; Greg Cockle; Joe Peters; Mace Patterson

Interim City Manager, Joey Wiedel, provided the Council with an overview of the Pecan Meadows development. Mr. Wiedel advises the council that the Planning Commission approved the Preliminary Plat at the 05/15/2006 meeting, and the City Council approved the Plat at the 5/22/2006 meeting. Discussion ensued. Mr. Wiedel advises that Plats are not subject to public advertising requirements. At the 11/18/2024 Planning Commission meeting, a neighboring property owner raised concerns about the lack of public notice for the proposed development, and two residents from Atkinson Acres also contacted the Planning Department with similar concerns. Further, Mr Wiedel states that staff has reviewed the Preliminary Plat and the Plat has been updated to incorporate the recommendations provided by the Engineering Department, the Planning Commission, and the City Council in 2006. Mr Wiedel states that the Preliminary Plat aligns with the standards and conditions outlined in the approved PUD 48 aligning with the intended land use and objectives. Mr. Wiedel advised that the Plat was approved 4-1 by the Planning Commission at the 11/18/2024 meeting.

Applicant Justin Morgan from Tanner Consulting was present to answer questions. Citizens Mr. Mike Jones, Jerry Ezell, Greg Cockle, Mace Patterson, and Joe Peters are present and speak on this item. Discussion ensued with the Council, the applicant, and citizens.

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

Carried: 3-1

Ayes: Founds, Hirshey, Schultz,

Nays: Girard

- 10) Discussion, consideration, and possible vote for approval of a Revised Final Plat (BXPT-23.16) for Haikey Creek Estates Blocks 1-6, located at approximately 13500 Block of South Mingo Road.

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

Item presented by Joey Wiedel, Interim City Manager

Others who spoke: Justin Morgan, Tanner Consulting

Interim City Manager, Joey Wiedel, provided the Council with an overview of the the revised Final Plat for Haikey Creek Estates Blcoks 1-6. Applicant Justin Morgan is present and addresses questions and comments from the Council.

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

Carried:4-0

Ayes: Hirshey, Founds, Schultz, Girard

Nays: 0

Mayor Girard calls the City Manager's Report and comes back to item 11

- 11) Motion to enter into Executive Session:

Confidential communications and discussions among the City Council and its attorney concerning potential and current litigation status regarding the following :

a. Discussion of Paragon's withdrawal from the settlement agreement and possible litigation to follow. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.

b. Update on TIF 1, TIF 2, and TIF 3 concerning status and progress—Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.

c. Discussion of Hoye Construction vs. City of Bixby litigation—Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.

d. Discussion and consideration as to the legal alternatives concerning Daniel Ruhl-Precision Project Management Default.—Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.

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

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

Carried: 4-0

Ayes: Hirshey, Girard, Schultz, Founds

Nays: 0

Entered into Executive Session at 7:20 PM

9:41 pm

Council Meeting reconvenes.

Mayor Girard moves to reopen the City Council Meeting.

12) Motion to exit Executive Session and enter into Regular Session.

Mayor Girard asks for any motions that need to be made

Councilor Hirshey asked for a motion to allow City Attorney, Phil Frazier, to negotiate with Paragon to attempt to resolve the matter, the motion was seconded by Mayor Girard. The vote was taken with the following results:

Carried: 4-0

Ayes: Hirshey, Girard, Schultz, Founds

Nays: 0

Mayor Girard says no other action was taken in Executive Session.

13) City Manager's Report

Interim City Manager, Joey Wiedel provides City Manager Report as follows:

- City office closures on 12/25/2024 and 1/1/2025. Offices closing at Noon on 12/24/2024 and 12/31/2024
- Winter Wonderland is open through January 6, 2025 Hours M-F 5:30 pm -9:00 pm Sat and Sun 2 pm-9 pm
- Santa's Village Festival of the Trees over 120 lit trees lyn with local station Santa visits every Thursday from 4 pm-8 pm
- 12/88/2024-12/22/2024 Holiday Magic Trolley Nights
- Historical Society and Rotary Club- Follow Eldon T Bixby November 2024-December 23,2025
- Update on Buy Bixby
- Bixby Christmas Parade 12/14/24 at 6 pm
- Christmas Express 12/18-12/22

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.

Mayor Girard calls this item before calling item 11

No new business to discuss.

Mayor Girard adjourns the meeting to call the Public Works Authority Agenda

Council reopens at 7:20 pm and calls item 11

15) Adjournment

An adjournment was called at 9:43 PM.

City Clerk



Mayor

