

**City of Bixby  
City Council Meeting  
Minutes  
City Hall Municipal Building  
116 W Needles, Bixby, OK 74008  
June 27, 2016 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 June 24, 2016 on or before 5:00 p.m.

Mayor Easton called the meeting to order at 6:00 p.m.

Yvonne Adams City Clerk called roll and all members were present.

**Members Present**

**Guthrie  
King  
Stewart  
Decatur  
Easton**

**Staff Present**

**Patrick Boulden, City Attorney  
Jared Cottle, City Manager  
Andy Choate, Police Department  
Charles Barnes, Finance Dir.  
Bea Aamodt, Public Works Dir.  
Marcae Hilton, City Planner  
Jason Mohler, Dev. Service Dir.  
Yvonne Adams, City Clerk**

**PLEDGE OF ALLEGIANCE**

**Invocation was given by City Clerk Yvonne Adams**

**Mayor Easton said Item #1 on the Consent Agenda is:  
CITY CLERKS REPORT**

Consider and approve:

- a) Minutes for the Regular City Council meeting dated 06/13/16.
- b) Minutes for the Special meeting dated 06/13/16.
- c) School Resource Officer (SRO) contract between the City of Bixby and Bixby Public Schools for the 2016-17 school year.
- d) Discuss and/or take action on Public relations Services Contract with Comm-Arts, Inc.

Mayor Easton asked if there are any questions or amendments to the consent agenda, Councilor Stewart wanted some clarification on item “c”, Councilor Stewart was given more information by staff to answer his question, Mayor Easton asked to pull Item “d” and then he asked for a motion. Councilor Decatur made motion to approve, seconded by Vice Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Decatur, Guthrie, Stewart, King, Easton

No: None.

**Mayor Easton said item #1 on the Regular Agenda is:**

Consider and take action on Ordinance No. 2193, amending Ordinance No. 272, pursuant to application **BZ-340, rezoning an unplatted parcel from AG (Agriculture) to RM-2 (Residential Multi-family District)**, for approximately 10.90 acres in part of Section 26, T17N, R13E, 16902 S. Memorial, generally located one-quarter mile north of 171st Street and west of Memorial. Action includes separate approval of an Emergency Clause.

Presented by: Marcae Hilton

City Planner Marcae Hilton stated that this project is being brought to us and it was originally heard at the Bixby Planning Commission and was a public hearing on June 20, 2016 it is BZ-340 and the applicant submitted and the applicate for the undeveloped land to be split into two parcels and this was approved by the Planning Commission on June 20<sup>th</sup>. Marcae stated that the north parcel is in the process of being purchased by Gardner Capital and Mr. Mike Williams is here to answer any question you may have. Marcae explained that the subject property consist of one lot and one block which they plan to develop 48 senior housing units. Marcae stated that staff recommends approval per comments at the end.

Mayor Easton asked for a motion on Item #1. Councilor Stewart made motion to approve, seconded by Councilor Decatur. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Decatur, King, Guthrie, Easton

No: None

Mayor Easton asked for a motion on the Emergency Clause. Councilor Stewart made motion to approve, seconded by Councilor Decatur. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Decatur, King, Guthrie, Easton

No: None

**Mayor Easton said on Item #2 on the Regular Agenda is:**

Consider and take action on Resolution No.2016-17, a Resolution of Support for Gardner Capital Development Oklahoma L.L.C. and Deep Fork Community Action Foundation, Inc., for a Senior Housing development in the City of Bixby.

Presented by: Marcae Hilton

City Planner Marcae Hilton stated that this is the second step for Gardner Capital in order to get the grant money funding that they have requested and they have to have the Resolution of Support to move forward, and city staff recommends approval.

Mayor Easton asked for a motion on Item #2. Councilor Stewart made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, King, Decatur, Guthrie, Easton

No: None

Mayor Easton asked for Item #4 on the Regular Agenda to be next on the agenda.

**Mayor Easton said on Item #3 on the Regular Agenda is:**

Reconsideration, discussion and possible action to approve a Preliminary Plat for Addison Creek for approximately 29.138 acres in part of Section 2, T17N, R13E, property generally located east of Sheridan and one-quarter to one-half mile north of 131st Street.

Presented by: Councilor King

Others that spoke: Mark Adams 6626 E. 127<sup>th</sup> St So, Mike Murphy 6602 E. 127<sup>th</sup> St. So, Terry Adams 6626 E. 127<sup>th</sup> St S, Rickey Jones Tanner Consultant, Justin Morgan Tanner Consultant, Mike Collier 6776 E. 127<sup>th</sup> St S., Mike Ramsey 6950 E. 127<sup>th</sup> St. S, Todd Hansen 6986 E. 127<sup>th</sup> St S, Keith Wilkes 15 W. 6<sup>th</sup> St Ste. 2700 Tulsa

Councilor King stated that we run across things that we hate to vote for or against and even though we sit here we don't have the power to make things happen the way we would like for it to. I have been in discussion with our City Manager and City Attorney and looking over this, we have about 320 people on the next property and about 17 that are involved in a lawsuit and the homeowners sent us a letter that is divided on both sides even on the homeowners side and they have met all the requirements from the people that are buying the property and because of that and not because I want to I think we should reconsider this vote.

Councilor Stewart stated that we talked about this plat the last time and discussing the motion to reconsider would it be possible to put a copy of the plat for us to see maybe on the projector. City Manager Jared Cottle stated yes we can get that screen up on the projector. Mayor Easton stated that we can start getting input from the citizens.

Mark Adams 6626 E. 127<sup>th</sup> St. So explained that he is representing the HOA this time, and I want to thank you for the time and trouble and effort that you are putting into this and he really appreciated it. Mark stated that he assumed that you have the letter from Stone Horse (the HOA letter), City Attorney Patrick Boulden stated that he has distributed any correspondents since last week so they should have them and the one we received today. Mark stated that in reference to what Harold said about the division it's a bit that way, but I do want to point out in this letter it really only discusses recommendations and suggestions, there is no firm offer that I can see in this letter. Mark asked if this letter in anyway related to this plat being brought up again on the agenda, City Attorney Patrick Boulden stated yes. Mark stated that the letter was misdirected to the HOA

board because as of last HOA meeting we had on June 2<sup>nd</sup> the homeowners association had not been deeded the pool or the club house or any of the reserve areas they were still belonging to the developer Glen Shaw so the HOA board really does not have any say if any of this is approved by the board or not, and the second letter that basically says that the HOA has no interest, no position on the green belt or on any of the other areas that is suggested in the first letter and that's the one signed by all of the board members.

Councilor Stewart stated that wanted to ask Mr. Adams what he would like to see today on behalf of HOA or a homeowner. Mr. Adams said speaking only as a representative there is plenty of other people here that are going to represent my views on the 127<sup>th</sup> Street group. Mr. Adams stated as the letter states we of the Seven Lakes Association Board of Directors officially take no position on the green space area in the Seven Lakes and the proposed additions, Mr. Adams stated that the HOA could see that there was something that they didn't want to get involved with financially or liability wise, and again this is not a decision that we can make even if the property had been deeded to us. Vice Mayor Guthrie stated to Mr. Adams that it must be hard for you to stand up here the HOA want's to be not part of this greenbelt but yet you live on this greenbelt, Mr. Adams stated that the hard part is to wear two different hats and keeping the blinders on.

Mike Murphy 6602 E. 127<sup>th</sup> St S stated that I am part of the lawsuit and Daniel Rule did built my house, also I put up a privacy fence after all the trees were torn down. Vice Mayor Guthrie asked Mike when he joined the lawsuit, Mike stated just today and that because I heard my property was being used without my opinion or representation and I have been there since 2011.

Terry Adams 6626 E. 127<sup>th</sup> St S. stated that we have been here for over a year and we really appreciate your hard work and it is so difficult to be in your shoes. Terry stated that she would like to talk about the erosion, she gave council some history on the issues she as encounter and stated that she is proposed to this plat. Terry handed council pictures overlooking to the east of her home. Terry explained in detail that there are swell lines in their property which allows runoff which when it rains it overruns and floods, Terry stated that they have a storm shelter that is 5 ft. deep and you can feel water which is retaining water underneath it. Terry continued to explain the issues of the water and erosion problems in detail.

Rickey Jones Tanner Consultant stated that he could defer any engineering question to Justin Morgan our engineer do discuss some of the water and erosion issues, as you know I am a planner and not an engineer.

Justin Morgan Tanner Consultant explain that we are not going to make this problem worse, we have pushed the channel and this conception utility plan since then we have other conversation and we have made the channel straight which we have talked about in previous meetings. Justin explained that you can look at this plat here that is projected on the screen that the center line is a curvy line at the time which there is a plan that came after this that didn't come in as a part of the plat but the engineering plans will reflect a straight channel that is pushed all the way against the Addison Creek lots also the pipe that was discussed but in the plan and what we are proposing to do in our plan is to set a manhole in that line and drop it so it will flow into the flow line of the creek instead of into the creek and that would help the erosion. Justin continued to explain in details about the overflow of water and erosion questions from council.

City Attorney Patrick Boulden stated that engineering and Stormwater management is something that is taken care of once the Preliminary Plat is approved and the issue is whether the Preliminary Plat complies with subdivision regulation zoning and to the intent that Stormwater management is an issue in that then certainly it needs to be addressed and as far as how things are put in the ground until they get there Preliminary Plat I don't think they would go forward with that.

Discussion continued about the over flow of water regarding this item.

Mike Collier 6776 E. 127<sup>th</sup> St S. stated a quote "that if you don't stand by something you will fall for anything", Mike stated that we have taken a stand and you have taken a stand, we have seen this pushed aside, we have seen this denied, approved with modifications so my question is we are back. Mike asked City Attorney Patrick Boulden can the City Council member be held personal liable for their votes? Patrick stated I can't answer that because I don't know what the lawsuit is about but it is possible for employees or officials to be held personally liable if they do something outside of the scope of their employment or authority. Mike stated that from my understanding is the authority of the council is to listen to the people and people have spoken, we have come to every event and we have a lot of people in this city on our side and they have been here to talk to you and express their view point. Mike continue to discuss the Comprehensive Plan of Bixby which talks about flowing and protecting areas that are in the flood plain which is our number one goal. Mike stated that he is here to help my fellow citizens and neighbors but I am so here to represent my kids the future of Bixby, Mike stated that he is here to represent future residents that might build a house in that area, Mike discussed the drainage on Sheridan and where is the water coming from? Mike stated that it comes from Tulsa, also he asked City Manager Jared Cottle some question about the water flow. Jared stated that historically the water does flow from west to east and any development from the Tulsa side or on the Bixby side on way or another we have to preserve it drainage way in there, and most development in Tulsa has diverted their water south of the river it changed to what's happening on our side. Discussion continued on water flooding issues concerning this agenda item. Mayor Easton asked Mike if this plat is denied what do you see happening to this property, Mike stated that the owner of Stone Horse have worked together before and I think it would be wise to sit down and talk, Mayor Easton asked why haven't' the homeowners done that? Mike stated that no, but I have asked for certain possibilities could be arranged and they said they would get back to me and I have never heard from them. City Manager Jared Cottle stated that we did sit now with them and Mr. Collier was there and several people from the homeowners board at the direction of the Planning Commission and we did hold that meeting. Mayor Easton had more discussion on stating that if the plat get denied the land owner have the right to sell it and it has a RS-4 zoning and it was approved by the previous councilmembers and asked Mike if he understood what the RS-4 zoning meant, Mike stated yes. Mike stated that if you have any personal or business conflicts with this vote I would ask that you would abstain for the citizens.

Vice Mayor Guthrie asked City Attorney Patrick Boulden if council have any personal liability on the vote for a plat such as this. Patrick stated if you go outside of the rules and regulations and you do this not in good faith and outside the scope of your authority yes you could be sued and possibly held personally liable. Patrick stated that he does no of a case in Piedmont Ok and that council refused to approve a plat and in their second year of federal court ligation and it was 3

councilmembers individually named and the City of Piedmont is also a defended in that lawsuit. Patrick stated that the profession staff has recommended approval of the plat and it meets subdivision regulations and zoning ordinances and I have no reason to dispute that and I don't know if anybody else has a reason to either. Patrick stated that what I have heard in this case is beyond the scope of what this council should consider, but you have been very tolerant and heard all complaints. Patrick stated that there is one case out there and its Kelly vs City of Bethany and that case says you really don't have any discretion in approval of this plats if they meet the sub divisional regulations and zoning and that should be the only issue.

Mike Ramsey 6950 E. 127<sup>th</sup> St S. stated that why are we allowing a bully to operate in the City of Bixby and it been years and why does this continue to happen, why are you being bullied into making a decision. Mike stated that after we left this meeting the last time, I heard the very next day you were being treating with a lawsuit. Mike stated that concerning being about to change your mind or to approve something and he spoke on council rejecting a proposed car wash in the City of Bixby. Mike showed council a picture of the fence that has been put up behind his yard, Mike stated that when you didn't approve this last time you listen to the Planning Commission who only approve it based on restrictions and shared access, and I appreciate if you would follow your gut this time and vote it our way.

Councilor King stated that on the car wash we were approving zoning, and we have seen issues like this before and it's tough and we are trying to look for ways that might help.

Todd Hansen 6986 E. 127<sup>th</sup> St S. handed out pictures to council of his property and great amount of water flowing through there. Todd stated that like the Adams family we saved for over 30 years to build this home and have a legal person come and bully us and others. Todd stated that who stands up for the people.

Mayor Easton stated that if this plat doesn't go through it's not going to change where the fence is, and it's not going to change your property rights and the city is going to lose 600,000 price homes that would increase a lot of value.

Keith Wilkes 15 W. 6<sup>th</sup> St Ste.2700 Tulsa stated that he appreciate your patience in listening to your fellow citizens and discussion of rights which includes my rights to my client who is Stone Horse and it legal rights. Keith stated that we discussed about the 14<sup>th</sup> amendment in due process and legal right and what about the citizens' rights, the citizens have filed a lawsuit which they have exercised their rights through legal process. Keith explained that on May 3, 2016 Mr. Collier testified in open court trying to encourage the court to continue and injunction in stopping the City of Bixby doing anything further toward the development of this plat, and after listening to Mr. Collier's testimony the law court ruled citizens do not have a legal right to interfere with Stone Horse development of Addison Creek. Keith explain that on May 31 your Planning Commission made a recommendation to approve the plat subject to a mutually accessible green space, and on the 13<sup>th</sup> of June you voted to deny the Preliminary Plat Stone Horse indeed explore the Planning Commission condition of the Homeowners Association and as you have heard the Homeowners Association does not take a position with respect to taking on the financial and legal responsibility with a mutually shared green space. Keith stated that Stone Horse has been fully compliant with Bixby's regulations and ordinances for approval of the Preliminary Plat and we respectfully

request the city to approve the Preliminary Plat that was applied for by Stone Horse, there was discussion regarding concerns about water and runoff and accumulation are outside of the scope of what you are to consider for the Preliminary Plat if I am understanding your attorney. Keith stated again I appreciate your time and respectfully request to approve the Preliminary Plat by Stone Horse as submitted to the City, and one other point we have made no threat against anybody individually or the city.

Mayor Easton asked City Attorney Patrick Boulden to read a letter that was sent to him by him regarding your vote the last meeting in which you abstained for a conflict of interest and I advised you at that time I didn't believe you did and as a matter of caution suggested that you abstain. Patrick stated that since then I have done some research into your situation and find that you do not have a conflict of interest and you can participate in the vote and that is extent of my advice.

Mayor Easton explained why he is going to vote and fear is not motivating me it's upholding a constitutional duty and the thing that bothers me is if this plat is not passed it's not going to move the fence and you're still going to have the legal issue of who owns the property that this council cannot control.

Mayor Easton asked for a motion to reconsider on Item #3. Councilor King made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 3-2

Yes: King, Easton, Guthrie

No: Stewart, Decatur

City Attorney Patrick Boulden stated that you have passed a motion to reconsider, you decided to reconsider the previous motion to deny so you should now vote on whether or not want to approve or reject the motion to deny approval of the Preliminary Plat and that motion is on the floor.

Discussion ensued

Mayor Easton asked for a motion to deny Item #3. Councilor Stewart made motion to deny. Motion dies for lack of second.

Recess this meeting at 7:50 p.m.

Reconvene this meeting at 8:04 p.m.

Mayor Easton asked for a motion to continue on July 11 regular meeting. Councilor Stewart made motion for a continuous, seconded by Mayor Easton. The vote was taken with the following results:

Carried 3-2

Yes: Stewart, Easton, King

No: Decatur, Guthrie

**Mayor Easton said on Item #4 on the Regular Agenda is:**

Consider and adopt a resolution providing for the issuance of General Obligation Refunding Bonds in the sum of not to exceed Five Million Three Hundred Thousand and No/100s Dollars (\$5,300,000.00) by the City of Bixby, Oklahoma; prescribing form of bonds; approving escrow agreement; providing for registration thereof; providing for a system of registration for uncertificated registered public obligations; providing levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

Presented by: Jared Cottle

Others that spoke: John Weidman Bond Council

John Weidman was here two weeks ago when you authorized the sale of these bonds and today we sold them with the lowest interest rate in the last 30 years this morning. John stated that explained to council how much in bonds they were sold for with a savings for the citizens of Bixby of about \$240,000. John stated that we have a Resolution in front of you to be approved and also the emergency clause so we can proceed.

Council has some question for John regarding this agenda item.

Mayor Easton asked for a motion on Item #4. Councilor Stewart made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, King, Guthrie.

No: None

Mayor Easton asked for a motion on the Emergency Clause. Councilor Stewart made motion to attach Emergency Clause to the previous agenda item, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, King, Guthrie.

No: None

**Mayor Easton said on Item #5 on the Regular Agenda is:**

Discuss and/or take action on Construction Funding Agreement invoice with the Oklahoma Department of Transportation for the 111<sup>th</sup> & Mingo Intersection Signalization Project.

Presented by: Jared Cottle

City Manager Jared Cottle stated that we did have bids open on June 16<sup>th</sup> for the 111<sup>th</sup> & Mingo Project and wanted to give you final figures and we did pass an agreement with ODOT (Oklahoma Department of Transportation) regarding we pay our share for the portion of the project.

Mayor Easton asked for a motion on Item #5. Mayor Easton made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 5-0

Yes: Easton, King, Decatur, Stewart, Guthrie  
No: None

**Mayor Easton said on Item #6 on the Regular Agenda is:**

Discuss and/or take action on accepting lowest and responsible bid for the Charley Young Event Park Project.

Presented by: Bea Aamodt

Public Works Director Bea Aamodt stated that we took open bids and we had 5 bidders which Bea read from lowest to highest with Atlas Construction submitting the lowest and responsible bidder.

Mayor Easton asked for a motion on Item #6. Councilor King made motion to approve, seconded by Councilor Stewart. The vote was taken with the following results:

Carried 5-0

Yes: King, Stewart, Decatur, Guthrie, Easton  
No: None

Recess meeting at 8:15 p.m.

Reopen the Regular meeting at 8:16 p.m.

**Mayor Easton said on Item #7 on the Regular Agenda is:**

Consider and vote to enter into Executive Session for the following purposes:

Mayor Easton

*Discussion on negotiations with representatives of firefighter employees, International Association of Fire Fighters (IAFF) Local 2651, for a Fiscal year 2016-2017 collective bargaining agreement. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.2*

Mayor Easton asked for a motion on Item #7. Councilor King made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 4-1

Yes: King, Easton, Decatur, Guthrie  
No: None  
Abstain: Stewart

Councilor Stewart left the meeting.

**Mayor Easton said on Item #8 on the Regular Agenda is:**

Motion to exit Executive Session and reconvene the meeting in open session.

Mayor Easton asked for a motion on Item #8. Easton made motion to exit the Executive Session and reconvene the regular meeting, seconded by Councilor King. The vote was taken with the following results:

Carried 4-0

Yes: Easton, King, Decatur, Guthrie

No: No

**Mayor Easton said on Item #9 on the Regular Agenda is:**

Approve Collective Bargaining Agreement between City of Bixby and the International Association of Firefighters Local 2651 for Fiscal Year 2016-2017.

Mayor Easton asked for a motion on Item #9. Mayor Easton made motion to approve, seconded by Councilor King. The vote was taken with the following results:

Carried 4-0

Yes: Easton, King, Decatur, Guthrie

No: None

**Mayor Easton said on Item #13 on the Regular Agenda is:**

City Manager's Report

No City Manager report due to the lack of time.

**Mayor Easton said on Item #14 on the Regular Agenda is:**

New Business

There being none.

Adjournment was called at 8:37 p.m.

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MAYOR

ATTEST

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CITY CLERK

**BIXBY PUBLIC WORKS AUTHORITY MEETING**  
**Board of Trustees**  
**Municipal Building**  
**Minutes**  
**116 W. Needles, Bixby, OK 74008**  
**June 27, 2016 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 June 24 on or before 5:00 p.m.

Mayor Easton called the Bixby Public Works Authority Meeting to order at 8:15 p.m. all members were present.

**Members Present**

**Guthrie**  
**King**  
**Stewart**  
**Decatur**  
**Easton**

**Staff Present**

**Jared Cottle, City Manager**  
**Patrick Boulden, City Attorney**  
**Andy Choate, Police Department**  
**Charles Barnes, Finance Dir.**  
**Bea Aamodt, Public Works Dir.**  
**Marcae Hilton, City Planner**  
**Jason Mohler, Dev. Service Dir.**  
**Yvonne Adams, City Clerk**

**Mayor Easton said Item #1 on the BPWA Consent Agenda is:**

**CITY CLERKS REPORT**

Consider and approve:

- a. Minutes for Bixby Public Works Authority regular meeting of 6/13/16.

Mayor Easton asked if there were any amendments or corrections to the consent agenda. Mayor Easton asked for a motion on the consent agenda. Councilor Stewart made motion to approve, seconded by Mayor Easton. The vote was taken with the following results.

Carried 5-0

Yes: Stewart, Easton, Decatur, King, Guthrie

No: None

**Mayor Easton said on Item #1 on the Regular BPWA agenda is:**  
New Business  
There being none

Adjournment was called at 8:16 p.m.

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MAYOR

ATTEST

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CITY CLERK