

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, March 14, 2023 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 3:23 PM on
the 10th day of March, 2023.**

1. Call to Order and Pledge of Allegiance
2. Roll Call

Attendee Name	Title	Status	Arrived
Sody Clements		Present	
Steven J. Goetzinger		Present	
E. Peter Hoffman		Present	

- a. PRESENTATION: Recognition of Firefighter Chet Biesiada

Deputy Fire Chief Reyes presented Firefighter Chet Biesiada his badge for completing his probationary time, completing many hours of training and testing. Firefighter Biesiada's wife, Rae, pinned his badge on.

- b. A proclamation determining and proclaiming March 14, 2023 "Tom Love Day" in the City of Nichols Hills.

Mayor Goetzinger presented a proclamation declaring March 14, 2023, as "Tom Love Day" for Mr. Love's many contributions to the community.

MOTION: Clements moved to adopt the proclamation as presented. Hoffman seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sody Clements
SECONDER:	E. Peter Hoffman
AYES:	Clements, Goetzinger, Hoffman

3. Minutes

- a. February 8, 2023 City Council Minutes
- b. February 14, 2023 City Council Minutes

MOTION: Hoffman moved to approve the February 8, 2023, and February 14, 2023, minutes as presented. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	E. Peter Hoffman
SECONDER:	Sody Clements
AYES:	Clements, Goetzinger, Hoffman

4. Departmental Reports

Consideration of acceptance, rejection, and/or postponement of the following:

- a. Police Department
- b. Municipal Court
- c. Fire Department
- d. Public Works
- e. Risk Manager
- f. New Resident List
- g. City Treasurer
- h. Finance Director
- i. Information System Manager
- j. Engineer
- k. ACOG Report

MOTION: Clements moved to approve the February 2023 departmental reports as presented. Hoffman seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sody Clements
SECONDER:	E. Peter Hoffman
AYES:	Clements, Goetzinger, Hoffman

5. Total Warrants & Claims \$1,864,358.46

- a. Consideration of approval, disapproval, and/or postponement of the following: Claims List for 2022-2023

a. General Fund	\$342,152.66
b. Nichols Hills Municipal Authority	104,580.30
c. General Fund Capital Improvement	4,173.67
d. Nichols Hills Municipal Authority - CIP	32,675.75
e. Designated Funds - Parks	105,782.50
f. General Obligation Bond Funds	1,274,993.58

MOTION: Hoffman moved to approve the total warrants and claims as presented. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	E. Peter Hoffman
SECONDER:	Sody Clements
AYES:	Clements, Goetzinger, Hoffman

6. Consent Docket - Construction

Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. Invoice No. 18403 with Frankfurt-Short-Bruza Associates, PC for Fire and City Hall Improvements in the amount of \$2,613.60, to be paid from the General Fund and other funds.
- b. Change Order #5 for the Fire Station and City Hall Addition and Renovation project with Jenco Construction in the amount of \$15,128.92.

BACKGROUND: The change order increases the contract to \$3,377,568.71. The original contract was \$3,070,600.00.

- c. Pay Estimate No. 17 with Jenco Construction for the Fire Station Addition and Renovation project in the amount of \$105,212.50.

BACKGROUND: City Architect has verified quantities and recommends approval, to be paid from the General Fund and other funds.

- d. Change Order No. 2 for Project No. FC-2101 Public Works Improvements Phase III with W.L. McNatt and Company in the amount of \$6,720.00.

BACKGROUND: The change order increases the contract to \$1,527,505.00 The original contract was \$1,444,444.00.

- e. Pay Estimate No. 6 with W.L. McNatt and Company for FC-2101 Public Works Improvements Phase III in the amount of \$208,955.35.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2021 GO Bonds, Nichols Hills Municipal Authority-CIP, and other funds.

- f. Change Order No. 1 for Project No. PC-2103 with Rudy Construction Co., for Paving Improvements to the 1500 Block of Guilford Lane in the amount of \$48,210.00.

BACKGROUND: The change order increases the contract to \$906,931.20. The original contract was \$858,721.20.

- g. Pay Estimate No. 3 for Project No. PC-2103 with Rudy Construction Co. for 1500 Block of Guilford Lane Paving Improvements in the amount of \$146,776.68.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2021 GO Bonds and other funds.

- h. Pay Estimate No. 5 for Project No. PC-2104 with Rudy Construction Co. for 6500 & 6800 Blocks of Avondale Drive Paving Improvements in the amount of \$129,363.63.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2022 GO Bonds and other funds.

- i. Pay Estimate No. 10 for Project No. FC-2102 with Rudy Construction Co. for Love Family Park Improvements in the amount of \$105,782.50.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from Park Fund and other funds.

MOTION: Clements moved to approve item 6a - 6i Consent Docket Construction as presented. Hoffman seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sody Clements
SECONDER:	E. Peter Hoffman
AYES:	Clements, Goetzinger, Hoffman

7. Consent Docket - General

Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. A resolution authorizing the disposal and destruction of certain original records and papers of records prior to the retention period for such records established in the Revised Records Retention Manual, 2015; and directing the City Manager to take all actions necessary to provide for the disposal and destruction of such records.
- b. Easement to Oklahoma Gas and Electric Company for electric utilities at City Hall property, located at 6407 Avondale Drive, Nichols Hills, Oklahoma.
- c. Request from Fire Chief Kevin Boydston to purchase a multi gas detector for an amount not to exceed \$6,957.00, as approved in the FY 2022-2023 CIP budget.
- d. Request from Fire Chief Kevin Boydston to purchase three metal outdoor picnic tables for an amount not to exceed \$13,100.00, as approved in the FY 2022-2023 CIP budget.
- e. A resolution declaring certain supplies, materials, and equipment owned by the City to be surplus ("Surplus Property"); directing the City Manager to sell such Surplus Property at public auction; and directing the City Manager to dispose of any such Surplus Property which does not receive a successful bid.

- f. Request from Police Chief Steven Cox to purchase two 2023 Ford Explorer Interceptors from State Contract. Fully equipped each unit will not exceed \$67,500.00, to be paid by 2023 GO Bond Funds, General CIP Fund, and other funds.
- g. Request from Police Chief Steven Cox to purchase a 2023 Chevrolet 1500 truck to be used as the animal welfare vehicle from Oklahoma State contract pricing. Vehicle and equipment not to exceed \$42,000.00, to be paid by Designated Funds - Animal Control, General CIP Fund, and other Funds. Declare 2009 Ford F150 surplus; and approval to trade or sell to the highest bidder.
- h. Request from Deputy Fire Chief Kenny Reyes to purchase a 2023 Chevrolet Tahoe for an amount not to exceed \$45,000.00, to be paid from General CIP Fund and other funds.
- i. Second Amendment to Agreement between the City of Nichols Hills, Oklahoma and T-Mobile USA Tower LLC, regarding an increase of 264 square feet to leased premises generally located on City Property known as "Lisle Park" in the vicinity of 6706 North Pennsylvania Avenue; and related Memorandum of Second Amendment to Agreement.

MOTION: Hoffman moved to approve item 7a - 7i Consent Docket General as presented. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	E. Peter Hoffman
SECONDER:	Sody Clements
AYES:	Clements, Goetzinger, Hoffman

8. Citizens desiring to be heard

The purpose of this time is to allow members of the public to speak to the City Council on any matter that is not otherwise set for consideration on this Agenda.

No one expressed a desire to be heard.

9. Items for Separate Vote - Ordinances, Resolutions, and Other Matters

- a. PUBLIC HEARING: An application to rezone property generally located at 6600 NW Grand Boulevard in Nichols Hills, Oklahoma from the E-2 "Urban Estate" Residential Zoning District to the R-1-75 Single Family Residential Zoning District.

City Manager Shane Pate stated that the Planning Commission had recommended approval subject to an agreement between the applicant and Mrs. Karen Samis and neighbors to the property. That agreement was not met; therefore, the Planning commission rescinds their approval.

Following discussion among City Council members and staff, Mayor Goetzinger opened the Public Hearing.

Mr. Scott Spradling, attorney representing Mr. Chris Candelaria, discussed with City Council the proposed restricted covenants that have been presented to Mr. Steve Sherman, attorney for Mrs. Karen Samis.

Mr. Henry Hood stated that he is comfortable with Mrs. Samis's requests. He also stated that he is concerned if the lots remained zoned as E-2's the homes would be closer to the backyards of the neighbors on Bedford Drive.

Mr. Steve Sherman, attorney representing Karen Samis, stated their concerns on the front-yard setback and the size of the proposed homes.

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Clements moved to refer this matter back to the Planning Commission and continue the application to the April 11, 2023 City Council meeting. Hoffman seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sody Clements
SECONDER:	E. Peter Hoffman
AYES:	Clements, Goetzinger, Hoffman

- b. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding Secondary Buildings, Accessory Buildings, Accessory Structures, and Accessory Uses; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mrs. Carla Sharpe, attorney for the City, presented the proposed ordinance to the City Council.

Following discussion among City Council members and staff, Mayor Goetzing opened the public hearing.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Hoffman moved to approve agenda item 9b as presented. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	E. Peter Hoffman
SECONDER:	Sody Clements
AYES:	Clements, Goetzinger, Hoffman

- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.

MOTION: Clements moved to approve agenda item 9b(i) - Emergency clause of the foregoing ordinance. Hoffman seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Sody Clements
SECONDER: E. Peter Hoffman
AYES: Clements, Goetzinger, Hoffman

- c. A resolution appointing a Bond Projects Advisory Committee.

MOTION: Hoffman moved to approve agenda item 9c as presented. Clements seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: E. Peter Hoffman
SECONDER: Sody Clements
AYES: Clements, Goetzinger, Hoffman

- d. A resolution awarding contract to the lowest responsible bidder for PC-2105 Paving Improvements 7600 Block of Dorset Drive, and authorizing execution of the contract, bonds, and related instruments.

MOTION: Clements moved to award the contract for PC-2105 Paving Improvements 7600 Block of Dorset Drive to Rudy Construction Co. for \$689,200.00. Hoffman seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Sody Clements
SECONDER: E. Peter Hoffman
AYES: Clements, Goetzinger, Hoffman

- e. PUBLIC HEARING: The issuance of a special permit to Crown Castle USA, Inc., represented by Donna Davis, for the purpose of replacing and/or adding new antennas and other equipment on existing monopole tower located in the 6706 North Pennsylvania Avenue, Nichols Hills, Oklahoma.

MOTION: Hoffman moved to continue agenda item 9e to the next regularly scheduled meeting, April 11, 2023, of the Nichols Hills City Council. Clements seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: E. Peter Hoffman
SECONDER: Sody Clements
AYES: Clements, Goetzinger, Hoffman

- f. PUBLIC HEARING: An Ordinance amending Chapter 50 of the Nichols Hills City Code regarding outdoor lighting; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

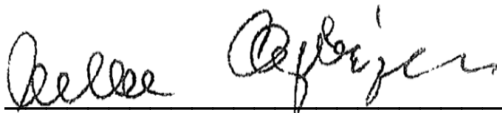
MOTION: Hoffman moved to continue agenda item 9e to the next regularly scheduled meeting, April 11, 2023, of the Nichols Hills City Council. Clements seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: E. Peter Hoffman
SECONDER: Sody Clements
AYES: Clements, Goetzinger, Hoffman

- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.

10. Adjournment

MOTION: There being no further business, Clements moved to adjourn the meeting. Hoffman seconded the motion.



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma