

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, December 13, 2022 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

Original agenda filed in the Office of the City Clerk at 4:08 PM on the 9th day of December, 2022.

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

Attendee Name	Title	Status	Arrived
Sody Clements		Present	5:38 PM
Steven J. Goetzinger		Present	
E. Peter Hoffman		Present	

- a. PRESENTATION: Recognition of Sergeant Joe Land for over 40 years of service.

Police Chief Steven Cox recognized Sergeant Joe Land for nearly 41 years of service to the City of Nichols Hills. Chief Cox thanked Sergeant Land for his friendship, service to the City, and the sacrifices he and his family has made through the years. Chief Cox presented a plaque to Sergeant Land for his service.

City Council members also thanked Sergeant Land for his service to the community.

3. Minutes
 - a. November 8, 2022 City Council Minutes
 - b. November 21, 2022 City Council Minutes
 - c. November 30, 2022 City Council Minutes

MOTION: Hoffman moved to approve the November 8, 2022, November 21, 2022 and November 30, 2022 minutes as presented. Goetzinger seconded the motion.

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

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: Hoffman moved to approve the November 2022 departmental reports as presented. Goetzinger seconded the motion.

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

5. Total Warrants & Claims

\$1,602,589.28

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

a. General Fund	\$259,087.31
b. Designated Funds – Police	1,009.63
c. Nichols Hills Municipal Authority	141,860.15
d. General Fund Capital Improvement	88,970.68
e. Designated Funds - Parks	32,493.00
f. General Obligation Bond Funds	1,079,168.51

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

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

6. Consent Docket - Construction

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

- a. Change Order No. 1 for Project No. SC-2101 City-Wide Sanitary Sewer Improvements with Jordan Contractors, Inc in the amount of \$51,999.70

BACKGROUND: The change order increases the contract to \$777,847.70. The original contract was \$725,848.00.

- b. Change Order No. 1 for Project No. PC-2104 Paving Improvements 6500 & 6800 Blocks of Avondale Drive with Rudy Construction Co. in the amount of \$14,985.00.

BACKGROUND: The change order increases the contract to \$1,669,253.00. The original contract was \$1,654,268.00.

- c. Pay Estimate No. 2 for Project No. PC-2104 with Rudy Construction Co. for 6500 & 6800 Blocks of Avondale Drive Paving Improvements in the amount of \$478,533.47.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2020 GO Bonds, 2022 GO Bond Funds, and other funds.

- d. Pay Estimate No. 3 with W.L. McNatt and Company for FC-2101 Public Works Improvements Phase III in the amount of \$306,133.70.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2020 GO Bonds, 2021 GO Bond Funds, and other funds.

- e. Pay Estimate No. 3 with Jordan Contractors, Inc. for SC-2101 City-Wide Sanitary Sewer Improvements in the amount of \$180,414.50.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2021 GO Bonds, 2022 GO Bond Funds, and other funds.

- f. Pay Estimate No. 7 for Project No. FC-2102 with Rudy Construction Co. for Love Family Park Improvements in the amount of \$27,493.00.

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

- g. Invoice No. 8278A with Howard-Fairbairn Site Design, Inc for the Love Family Park in the amount of \$5,000.00, to be paid from Park fund and other funds.

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

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

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. Request from Deputy Public Works Director Dennis Albert to transfer a 2022 Ford F150 Crew 4X4 Pickup from the NHMA to the Street Department. NHMA CIP fund to be reimbursed by the General CIP fund.
- c. Request from Fire Chief Kevin Boydston to purchase a multi gas detector for an amount not to exceed \$6,200.00 and a thermal imaging camera for an amount not to exceed \$9,500.00, as approved in the FY 2022-2023 CIP budget.
- d. 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.
- e. Request from Information Systems Manager Neil Gray to purchase a audio/visual equipment for the new Fire Station training room. The total will not exceed \$48,000.00, to be paid from 2022 GO Bond funds and other funds.
- f. Request from Information Systems Manager Neil Gray to purchase two new printers. The total will not exceed \$1,298.00 as approved in the 2022-2023 CIP budget.
- g. Request from Information Systems Manager Neil Gray to purchase a document scanner. The total will not exceed \$525.00 as approved in the 2022-2023 CIP budget.
- h. Change Order No. 1 for Digi Security Systems Access Control System in the amount of \$2,851.01. To be paid from 2022 GO Bond Funds and other funds.

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

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

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.

Mr. Philip Bowersox spoke to the City Council of his concerns of parking on both sides of the streets on Lenox Avenue, Mulberry Lane, and Glenbrook Terrace.

Mrs. Barbara Bowersox also spoke to the City Council of her concerns of parking on both sides of the streets.

Mr. and Mrs. Bowersox would like to see parking limited to one side of the street on Lenox Avenue, Mulberry Lane, and Glenbrook Terrace.

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

- a. Request from Allied Arts to install 100 banners in recognition of Allied Arts Month. Banners will be displayed within the City of Nichols Hills between February 1, 2023 and February 14, 2023.

Ms. Sunny Cearley, Allied Arts President/Ceo, and Joseph Messick, presented the banner application to the City Council members.

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

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

- b. Accept the Annual Comprehensive Financial Report and Accompanying Independent Auditor's Reports for the fiscal year ended June 30, 2022.

Mr. Dan Bledsoe, CPA and Partner with Finley & Cook, presented to City Council the auditor's report with the audit opinion for fiscal year ending June 30, 2022.

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

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

- c. Accept the Single Audit Report for the fiscal year ended June 30, 2022.

Mr. Dan Bledsoe, CPA and Partner with Finley & Cook, reviewed the Single Audit Report for fiscal year ending June 30, 2022 with the City Council members.

MOTION: Hoffman moved to accept 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 amending the City's Investment Policy regarding requests for proposals for depository banking services and broker/dealers.

Mr. Johnson Hightower, City Treasurer, recommended City Council approve the addition of Valliance Bank to the list of approved depository institutions. Mr. Hightower also recommended City Council approve the addition of adding Raymond James through Kirkpatrick Bank to the list of approved broker/dealers.

MOTION: Clements moved to approve agenda item 9d as presented. 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.
- f. PUBLIC HEARING: An Ordinance deleting Section 50-133 of the Nichols Hills City Code and replacing it with a new division of the code regarding landscaping; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring and emergency
- i. Consider, discuss, and approve or disapprove the emergency section of the foregoing ordinance.

MOTION: Hoffman moved to continue agenda items 9e and 9f to a date certain, January 10, 2023, City Council meeting. Clements seconded the motion.

- g. An ordinance deleting chapter 48 of the Nichols Hills city code and replacing it with a revised version of chapter 48 retitled "Trees and Vegetation;" repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

RESULT: NO ACTION TAKEN

- i. Consider, discuss, and approve or disapprove the emergency section of the foregoing ordinance.
- h. PUBLIC HEARING: An Ordinance amending Chapter 50 and Chapter 44 of the Nichols Hills City Code regarding electric vehicle charging stations and electric vehicle parking spaces; 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.

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

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

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

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

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

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

- i. PUBLIC HEARING: An Ordinance amending Article V of Chapter 50 of the Nichols Hills City Code regarding the Building Commission review process; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring and emergency

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

Mr. Larry Herzel, Building Code Commission Chairman, answered questions from the City Council members.

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

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

MOTION: Hoffman moved to approve the ordinance subject to amending the façade alterations to over 50 lineal feet of the building or 30% of the façade, whichever is less. 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 9i(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

- j. PUBLIC HEARING: An Ordinance amending Section 8-28 of the Nichols Hills City Code regarding the City's adoption of the International Residential Code; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring and emergency

Mr. Larry Herzel, Building Code Commission Chairman, presented the proposed ordinance.

Following discussion among City Council members and applicant, Mayor Goetzinger 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 9j as presented. Clements seconded the motion.

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

- i. Consider, discuss, and approve or disapprove the emergency section of the foregoing ordinance.

MOTION: Clements moved to approve agenda item 9j(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

k. Discussion regarding golf cart ordinances.

Vice Mayor Clements spoke of her concerns of golf carts on City streets and in the parks. Police Chief Steven Cox asked that residents contact the Police Department when they see golf carts driving improperly on City streets or in the parks. Then officers can speak to the resident and educate them on the City ordinance concerning golf carts. City staff will put the ordinance on the City app and Crime Watch app to help make residents be aware of the ordinance.

l. Board of Park Commissioners Appointment - Ward Two

RESULT:	NO ACTION TAKEN
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10. Adjournment

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

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



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma