

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, August 13, 2019 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

Original agenda filed in the Office of the City Clerk at 2:55 PM on the 9th day of August, 2019.

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	

3. Minutes

- a. July 9, 2019

MOTION: Clements moved to approve the July 9, 2019 minutes as presented. Hoffman seconded the motion.

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

4. Departmental Reports

Discussion, consideration, and possible approval or acceptance of the following:

- a. Police Department Report
 - b. Court Report
 - c. Fire Department Monthly Report
 - d. Public Works
 - e. Risk Manager Report

- f. New Resident List
- g. Treasurer's Report
- h. Finance Director's Report
- i. Information System Manager's Report
- j. Engineer's Report

Mayor Goetzinger announced that this was City Clerk Kristi Hort's last City Council meeting before her retirement. Mayor Goetzinger thanked Ms. Hort for everything she has done for the City of Nichols Hills.

MOTION: Hoffman moved to approve the July 2019 departmental reports as presented. Clements seconded the motion.

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

5. Total Warrants & Claims \$682,710.82

- a. Discussion, consideration, and possible approval of the following:
Claims List for 2019-2020

a. General Fund	254,004.24
b. Designated Funds	94.31
c. Nichols Hills Municipal Authority	98,717.71
d. General Fund Capital Improvement	117,595.32
e. Municipal Authority - CIP	28,580.00
f. General Obligation Bond Funds	183,719.24

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

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

6. Consent Docket - Construction

Discussion, consideration, and possible approval of the following:

- a. Pay Estimate No. 7 for Project No. WW-1702 with Layne Christensen Co., for Water Well #23 in the amount of \$5,365.60.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2017 GO Bonds and other funds.

- b. Pay Estimate No. 2 for Project No. PC-1704, PC-1705, and PC-1802 with CGC, LLC. for 6700 & 6800 Blocks of West Grand Blvd, 6500 Block of West Grand Blvd., and 1200 Block of Sherwood Ln. in the amount of \$113,759.84.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2018 GO Bonds and other funds.

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

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

7. Consent Docket - General

Discussion, consideration, and possible approval of the following:

- a. Request from Risk Manager Lindy Hough to purchase gym equipment (Body Solid Vertical Knee Raise Machine and USA Sports 5-100lb Dumbbell/Rack) as approved in the 2019-2020 General Fund CIP.

- b. Request from Police Chief Steven Cox to purchase two new Ford Police Interceptors and all the necessary equipment needed to put the vehicle into service from Oklahoma State Contract SW0035, as approved in the FY 2019-2020 CIP budget; declare 2015 Ford Interceptor Sedan VIN (1FAHP2MK1FG159542) and 2016 Ford Interceptor Sedan VIN (1FAHP2MK6GG108989) as surplus; and approval to trade or sell to the highest and best bidder, or to properly dispose of should no successful bid be received.
- c. 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.
- d. Fire Equipment Agreement with Board of County Commissioners of Oklahoma County for Fiscal Year 2019-2020.
- e. Request from Information Systems Manager Neil Gray to purchase a server replacement, digital display, computers, printers, scanners, and backup network switches. The total will not exceed \$32,000.00 as approved in the 2019-2020 CIP budget.
- f. Request from the Fire Chief to purchase eight SCBA Self Contained Breathing Apparatus Cylinders not to exceed \$9,000.

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

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

- g. Authorizing Redbud Board of Directors to install approximately 60 banners within the city limits of the City of Nichols Hills between March 20, 2020 and April 6, 2020.

Ms. Sara Sweet, Redbud Classic Race Director, presented the Banner Application to the City Council. Ms. Sweet reported that the 2019 Race had over 3600 participants. Redbud Classic donated \$15,000.00 to Teach for America in Oklahoma City and \$3,000.00 to the City of Nichols Hills. Ms. Sweet stated that the

2020 event will be held on April 4th and 5th.

MOTION: Hoffman moved to approve agenda item 7g 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

Items listed in this section of this Agenda are usually discussed, considered, and voted on individually by the City Council.

Discussion, consideration, and possible approval of the following:

- a. **PUBLIC HEARING:** An ordinance amending Chapter 50 and Chapter 8 of the Nichols Hills City Code concerning the creation of a Nichols Hills Building Commission; establishing powers and duties for the Nichols Hills Building Commission; creating building demolition and construction guidelines, criteria, procedures, and exceptions; repealing all conflicting ordinances or parts of ordinances; providing for severability; and providing an effective date.

Carla Sharpe, legal counsel for the City of Nichols Hills, summarized the proposed amendment of Chapter 50 and Chapter 8 of the Nichols Hills City Code concerning the creation of a Nichols Hills Building Commission. Following discussion among City Council members and staff, Mayor Goetzinger opened the public hearing.

Mr. William Boston spoke to the City Council raising his concerns with respect to a Building Commission. Mr. Boston stated that the

City needed to identify the historical homes, have the City Council, with public comment, approve the recommendations of the Building Commission, and the need of seven members rather than five to reduce the likelihood of a subjective bias.

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

Mayor Goetzinger re-opened the public hearing. Mr. William Boston spoke again to the City Council and restated that he felt that the City needed to identify the historical homes and make it known to the public.

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

Members of City Council and staff discussed the proposed ordinance at great length.

MOTION: Clements moved to approve agenda item 9a subject to the following changes of the recorded meeting:

1. Section 50-344 subsection (e) to read "Encourage preservation, protection, renovation, and restoration of Architectural Resources whenever reasonably possible."
2. Section 50-372 (3) f "A landscaping plan if any changes are to be made to the existing conditions."
3. Section 50-397 subsection (a) delete the sentence "Demolition of dwellings for speculative purposes is prohibited, as set out in Section 50-129."
4. Section 50-399 to read "The Building Commission may adopt additional building moving, demolition, design, and construction guidelines to aid in the Building Commission's review responsibilities, which shall be approved by the Council."
5. Section 50-129 remove subsection (b) which will be deleted entirely and reserved for future use.
6. Subsection (e) in each sentence discussing the filing of a bond or

surety to read “bond, surety or letter of credit.”

7. Section 10 to read “This ordinance shall be effective on December 1, 2019.”
8. Subsection (a) of Section 50-352 to read as follows:
“The Building Commission shall consist of five Commissions, two of whom shall be residents of the City. Commissioners shall be appointed by the City Council. At least two Commissioners shall be registered architects, landscape architects, urban planners, historic preservation consultants, and/or engineers. In addition, one of the five Commissioners shall be a general building contractor.

Hoffman seconded the motion.

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

- b. A resolution appointing the Nichols Hills Building Commission as provided for in Section 50-352, Chapter 50, of the Nichols Hills City Code

No action taken.

- c. An ordinance amending Section 32-138 of the Nichols Hills City Code regarding possession of controlled dangerous substances in the City; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Clements moved to approve agenda item 9c as presented. Hoffman 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 9c(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

- d. An ordinance amending Chapter 8, Article XI of the Nichols Hills City Code by adding Section 8-478 to clarify the process for contractor registrations; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Hoffman moved to approve agenda item 9d 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 9d(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

- e. An ordinance amending Section 44-245 of the Nichols Hills City Code to change the two-stop intersection at Belford Avenue and Trenton Road to an all-stop intersection; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mr. Jim McCampbell spoke to the City Council in opposition to changing the two-stop intersection at Belford Avenue and Trenton Road to an all-stop intersection.

MOTION: Hoffman moved to approve agenda item 9e 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 9e(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

f. Demolition application for 1701 Huntington Avenue in Nichols Hills.

Mr. Sam Gresham, architect representing the property owners, presented to City Council the plans for the new home at 1701 Huntington Avenue, Nichols Hills. Mr. Gresham explained that the foot print of the new home will be less than the current home and will be lowering the grade of the property.

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

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

g. Demolition application for 1704 Windsor Place in Nichols Hills.

Mr. Richard Books, property owner, presented the demolition permit and the plans of the new home at 1704 Windsor Place, Nichols Hills, Oklahoma to the City Council.

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

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

- h. A resolution awarding contract to Rudy Construction Co., as the lowest responsible bidder for Phase III of the Public Works facility and paving projects for the 1700 Block of Windsor Place, sidewalk along Stratford between Grand & Wilshire, 1100 Block of Hemstead Place, and Trenton Road between Fenwick & Tedford, and authorizing execution of the contract, bonds, and related instruments.

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

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

- i. Request to seek bids for WW-1703 to redrill Water Well #10, receive, and approve plans for the same.

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

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

- j. A resolution nominating Robert Johnston to fill the expiring term of At-Large Trustee representing the entire membership of the Oklahoma Municipal Retirement Fund (OkMRF).

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

- k. Authorizing distribution of disability pension benefits from Oklahoma Municipal Retirement Fund for retiring employee Kelli (Kristi) Hort.

City Manager Shane Pate explained to the City Council the reasons for Kristi Hort's disability retirement request from Oklahoma Municipal Retirement Fund. Ms. Hort was recently diagnosis with ALS. Due to the severity of the disease, Ms. Hort qualifies for the disability retirement and the payout of accrued unused sick leave according to Section 503 of the City of Nichols Hills Personnel Policies Manual, upon approval from City Council.

Nichols Hills has been the beneficiary of Ms. Hort's financial and record keeping vigilance for the last nine years. City Manager Pate recognized Ms. Hort for the many accomplishments performed and demonstrated leadership for the City.

Jodi Cox, Executive Director for the Oklahoma Municipal Retirement Fund, presented Ms. Hort with the George F. Wilkinson Award which, is awarded to one outstanding employee from over 228 Oklahoma Municipal Retirement Fund plan entities each year.

Ms. Hort thanked the Oklahoma Municipal Retirement Fund, City Council, City Manager, Department Heads, Assistant Department Heads and City staff for making this an easy task.

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

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

- l. Authorizing sick leave buy-back in the amount of \$21,000 pursuant to Section 503 of the City of Nichols Hills Personnel Policies Manual and recognizing Kristi for her many years of service to the City of Nichols Hills.

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

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

- m. TO BE READ INTO THE MINUTES: The City of Nichols Hills has received from Oklahoma Department of Environmental Quality, Amended Permit No. WW000055170819 for construction of replacement raw Water Well Numbers 10 and 23 to serve the City of Nichols Hills Replacement Raw Water Well Numbers 10 and 23 Project, Oklahoma County, Oklahoma.

Mayor Goetzinger read the Oklahoma Department of Environmental Quality, Amended permit No. WW000055170819 into the minutes.

- n. An ordinance amending Chapter 8 of the Nichols Hills City Code prohibiting florescent, high intensity, or metallic paint for the exteriors of buildings; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

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

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

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

MOTION: Hoffman moved to approve agenda item 9n(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

- o. Consider, discuss and approve direction to the City Attorney to prepare instruments necessary for acquisition of property necessary for City Water Well #17 by means of eminent domain.

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

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

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