

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, May 9, 2017 at 5:30 PM
Town Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

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. Oath of Office for newly elected Councilman Steven Goetzinger, to be administered by Honorable Judge Charles Lutz.

Mayor Goetzinger welcomes everyone into the new Council Chambers as his last act as Mayor and hopes everyone thinks they are as beautiful as he does. He thanks the citizens of the City in helping making it possible through the passing of bonds. Mayor Goetzinger thanks the City staff for relocating to temporary offices. This has been an interesting year we have Trader Joe's, a new City Manager, Peter Hoffman and Grand Boulevard Park Committee spearheading the improvements of the park, which is going to be beautiful and opening in June, Cumberland Court and all the while continuing to maintain our City here with our streets and new water wells. I want to say lastly we have done some great work here, I do not want any city employee to think that we have forgotten them, we hope we can have other public improvements for our employees. I say farewell as the Mayor today.

Judge Charles Lutz administered the Oath of Office and Loyalty Oath to Steven Goetzinger, Council Member for Ward 3 in Nichols Hills.

b. Nomination and election of Mayor of City of Nichols Hills.

MOTION : Hoffman moved to nominate Sody Clements as Mayor for the City of Nichols Hills. Goetzinger seconded the motion.

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

c. Nomination and election of Vice-Mayor of City of Nichols Hills.

MOTION: Goetzinger moved to nominate E. Peter Hoffman Jr. as Vice-Mayor for the City of Nichols Hills. Hoffman seconded the motion.

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

3. Minutes

a. March 3, 2017 City Council/Municipal Authority

b. April 11, 2017

MOTION: Hoffman moved to approve the March 3, 2017 and April 11, 2017 minutes as presented. Goetzinger seconded the motion.

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

4. Departmental Reports for April 2017

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

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

Mayor Clements thanked the Police Department for the great job they are doing.

Vice-Mayor Hoffman thanked the Police Department for the excellent job in coordinating the Red Bud and congratulated the Public Works Department in being accident free for six months.

MOTION: Goetzing moved to approve the April 2017 departmental reports as presented. Hoffman seconded the motion.

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

5. Total Warrants & Claims \$1,128,777.69

a. Discussion, consideration and possible approval of the following:

a. General Fund	180,120.53
b. Street & Alley	59,976.96
c. Designated Funds	190.00
d. Nichols Hills Municipal Authority	77,324.47

e. General Fund Capital Improvement	9,613.19
f. Nichols Hills Municipal Authority - CIP	280,170.00
g. Architect, Engineer & Design Fund	11,178.50
h. General Obligation Bond Funds	510,204.04

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:	Clements, Goetzinger, Hoffman

6. Consent Docket - Construction

Discussion, consideration and possible approval of the following:

- a. Amendment No. 2 (Final), for Project No. WW-1501 with Layne Christensen Co. for Water Well #12 in the amount of \$19,508.53.

BACKGROUND

This amendment decreases the contract amount to \$547,897.47. City Engineer has verified quantities and recommends approval, to be paid from the 2013 GO Bonds and other funds.

- b. Change Order No. 3, for Project No. CH-1601 to Jenco Construction for Town Hall Renovation Project, to be paid out of the 2016 GO Bonds and other funds.
- c. Change Order No. 1 for Project No. PC-1501 with SAC Services, Inc., for paving improvements to Dorchester Drive and Elmhurst Avenue in the amount of \$102,160.00

BACKGROUND

This change order brings the contract amount to \$1,107,332.47. City Engineer has verified quantities and recommends approval, to

be paid from the 2014-2015 GO Bond Funds and other funds.

- d. Pay Estimate No. 13 with Jenco Construction, for Project No. CH-1601, Town Hall renovation in the amount of \$66,432.08, to be paid from the 2016 GO Bonds and other funds.
- e. Pay Estimate No. 6 for Project No. FC-1501 with SAC Services, Inc., for Grand Boulevard Park Improvements from Bedford Drive to Brentwood Avenue in the amount of \$193,868.98.

BACKGROUND

City Engineer has verified quantities and recommends approval, to be paid from the 2015 GO Bonds and other funds.

- f. Pay Estimate No. 7 (Final) for Project No. WW-1501 with Layne Christensen Co., for Water Well #12 in the amount of \$64,762.24.

BACKGROUND

A final inspection has been held and is recommended that the final claim be paid from the 2014 GO Bonds and other funds, and place maintenance bonds into effect.

- g. Pay Estimate No. 9 for Project No. PC-1501 with SAC Services, Inc. for paving improvements to Dorchester Drive and Elmhurst Avenue in the amount of \$59,800.96.

BACKGROUND

City Engineer has verified quantities and recommends approval, to be paid from the 2014-2015 GO Bonds and other funds.

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

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

7. Consent Docket - General

Discussion, consideration and possible approval of the following:

- a. Regarding election of Board of Trustee members of the Oklahoma Municipal Assurance Group (OMAG). City Manager Shane Pate recommends the nomination of incumbents Ms. Pam Polk, City Manager of Collinsville, Ms. Janice Cain, City Manager of Altus, and Mr. Earl Burson, City Manager of Harrah.

MOTION: Based upon the recommendation of City Manager Shane Pate, Hoffman moved to nominate incumbents Mr. Pam Polk, City Manager of Collinsville, Ms. Janice Cain, City Manager of Altus, and Mr. Earl Burson, City Manager of Harrah to the Board of Trustees of the Oklahoma Municipal Assurance Group. Goetzinger seconded the motion.

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

8. Citizens Desiring to be heard

Except as noted in the Public Hearing(s) below, no one expressed a desire to be heard.

9. Items for Separate Vote - General

Discussion, consideration and possible approval of the following:

- a. Update regarding receipt of letter from William Wiley Rice, Jr., dated April 16, 2017, stating he will not submit a new Consulting Services Proposal for the fiscal year beginning July 1, 2017, due to his pending retirement; thanking the members of the Planning Commission and city staff for the opportunity to work with them; and expressing his appreciation for his association with the City of Nichols Hills, Oklahoma.

Wiley Rice announced to Council he plans to be fully retired by the end of the year. He was delighted to be able to work with the City of Nichols Hills and has been an honor and privilege serving them.

- b. Discussion, consideration and possible determination as to the impact of a proposal to construct a building on vacant property generally located between Western Avenue and Grand Boulevard on the north side of N.W. 63rd Street, which is located in the "TC" Town Center Overlay District.

Cindy Wright of Johnson & Associates spoke on behalf of the client. Steve Harris of Washington Prime stated this will be a 7,500 square foot multi-tenant building and is currently in the C-2 Zoning District.

City Manager Shane Pate informed the Council that the Planning Commission unanimously voted to recommend approval to Council.

MOTION: Goetzinger moved to approve agenda item 9b with the determination that the impact of the proposed use is minor and approve the proposal of the project. Hoffman seconded the motion.

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

- c. Budget Adjustment #4 for 2017 GO Bond Series.

MOTION: Hoffman moved to approve agenda item 9c as

presented. Goetzing seconded the motion.

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

d. Budget Adjustment #5 for Fiscal Year 2016-2017.

MOTION: Goetzing moved to approve agenda item 9d as presented. Hoffman seconded the motion.

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

e. Discussion regarding Investment Committee vacancy.

No action taken.

f. Discussion, consideration and possible action regarding engaging the services of a Fire Protection Consultant to review commercial building plans for life and safety code compliance.

Discussion only.

g. Discussion, consideration and possible action regarding regulations and procedures for the demolition and remodel of homes.

Directs staff to coordinate a work session regarding demolition and remodel of homes.

h. Discussion, consideration and possible action regarding regulations for joggers and cyclists.

Directs staff to create an ordinance addressing this issue.

i. Discussion, consideration and possible approval or disapproval to enter into an agreement with Ford Audio Video to purchase from Oklahoma State Purchasing Contract #ITSW1021, audio visual and sound equipment for City Council Chambers in the amount of \$93,000.00.

BACKGROUND

The funds for this project will be coming from a number of sources, including but not limited to the 2015 GO Bond Issue, 2016 GO Bond Issue and 2016-2017 Information System's CIP fund.

MOTION: Hoffman moved to approve item 9i. Goetzinger seconded the motion.

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

- j. Discussion, consideration and possible approval or disapproval to declare technology equipment surplus; approval to sell items at auction to the highest bidder or to properly dispose of items should no successful bid be received.

MOTION: Goetzinger moved to approve agenda item 9j. Hoffman seconded the motion.

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

- k. Fire Department request to surplus 1 MSA, Evolution 5200 Thermal Imaging Camera, serial number A1-2943-D08 for trade-in, to purchase a new Thermal Imaging Camera for a total of \$4,500 to be paid from the Fire Departments Operational Budget.

MOTION: Hoffman moved to approve agenda item 9k. Goetzinger seconded the motion.

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

BOARD APPOINTMENTS - PLANNING COMMISSION**I. Planning Commission Appointment - Ward One**

Mayor Sody Clements recommended the appointment of Mike Biddinger as Ward 1 member of the Planning Commission, for a term expiring in June 2020.

MOTION: Hoffman moved to approve the recommendation and appointment of Mike Biddinger as a member of the Planning Commission. Goetzinger seconded the motion.

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

m. Planning Commission Appointment - Ward Two

E. Peter Hoffman Jr., Council Member from Ward 2, recommended the appointment of Barbara Gilbert as Ward 2 member of the Planning Commission, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Barbara Gilbert as a member of the Planning Commission. Hoffman seconded the motion.

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

BOARD APPOINTMENTS - PARK COMMISSIONERS**n. Board of Park Commissioners Appointment - Ward One**

Mayor Sody Clements recommended the appointment of Charles L. Oppenheim as Ward 1 member of the Board of Park Commissioners, for a term expiring in June 2020.

MOTION: Hoffman moved to approve the recommendation and

appointment of Charles L. Oppenheim as a member of the Board of Park Commissioners. Goetzinger seconded the motion.

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

o. Board of Park Commissioners Appointment - At Large

Mayor Sody Clements recommended the appointment of Vicki English as an at-large member of the Board of Park Commissioners, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Vicki English as a member of the Board of Park Commissioners. Hoffman seconded the motion.

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

p. Board of Park Commissioners Appointment - Ward Two

E. Peter Hoffman Jr., Council Member from Ward 2, recommended the appointment of Patty Anthony as Ward 2 member of the Board of Park Commissioners, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Patty Anthony as a member of the Board of Park Commissioners. Hoffman seconded the motion.

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

BOARD APPOINTMENTS - ENVIRONMENT, HEALTH & SUSTAINABILITY COMMISSION

q. Environment, Health & Sustainability Commission - Ward One

Mayor Sody Clements recommended the appointment of Caroline Patton as Ward 1 member of the Environment, Health & Sustainability Commission, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Caroline Patton as a member of the Environment, Health & Sustainability Commission. Hoffman seconded the motion.

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

r. Environment, Health & Sustainability Commission - Ward Two

E. Peter Hoffman, Council Member of Ward 2, recommended the appointment of Tyfanna Johnson as Ward 2 member of the Environment, Health & Sustainability Commission, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Tyfanna Johnson as a member of the Environment, Health & Sustainability Commission. Clements seconded the motion.

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

BOARD APPOINTMENTS - BOARD OF ADJUSTMENT

s. Board of Adjustment Appointment - At-Large Member

Mayor Sody Clements recommended the appointment of John Covington as an at-large member of the Board of Adjustment, for a

term expiring in June 2020.

MOTION: Hoffman moved to approve the recommendation and appointment of John Covington as a member of the Board of Adjustment. Goetzinger seconded the motion.

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

t. Board of Adjustment Appointment - Ward Two

E. Peter Hoffman Jr., Council Member of Ward 2, recommended the appointment of Robert Slater as Ward 2 member of the Board of Adjustment, for a term expiring in June 2020.

MOTION: Goetzinger moved to approve the recommendation and appointment of Robert Slater as a member of the Board of Adjustment. Clements seconded the motion.

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

u. Board of Adjustment Appointment - Ward Three

Steven Goetzinger, Council Member of Ward 3, recommended the appointment of Kathy Lippert as Ward 3 member of the Board of Adjustment, for a term expiring in June 2020.

MOTION: Hoffman moved to approve the recommendation and appointment of Kathy Lippert as a member of the Board of Adjustment. Clements seconded the motion.

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

- v. Tort claim submitted by Dean Higganbotham for \$938.92, for damage sustained to his property at 1701 Bedford Drive. Risk Manager Lindy Stormont recommends denial of the claim and submission to the City's insurance.

MOTION: Goetzinger moved to deny the tort claim submitted by Dean Higganbotham and directed Risk Manager Lindy Stormont to submit the claim to the City's Insurance. Hoffman seconded the motion.

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

10. Items for Separate Vote - Ordinances, Resolutions and Related Matters

Discussion, consideration and possible approval of the following:

- a. Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding peddlers and solicitors; providing for severability; and declaring an emergency.

MOTION: Hoffman moved to approve agenda item 10a. Goetzinger seconded the motion.

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

- i. Discuss, consider and approve or disapprove the emergency section of the forgoing ordinance.

MOTION: Goetzinger moved to approve item 10a(i) - emergency clause of the foregoing ordinance. Hoffman seconded the motion.

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

- b. Discussion, consideration, and possible approval or disapproval of an ordinance extending the corporate limits of the City of Nichols Hills, Oklahoma.

Following discussion among City Council members and staff the public hearing was opened. Seeing no others present expressed a desire to be heard, the public hearing is closed.

MOTION: Hoffman moved to approve agenda item 10b. Goetzinger seconded the motion.

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

- c. Discussion, consideration and possible approval or disapproval of an ordinance amending Chapter 50 of the Nichols Hills City Code regarding the definition of "Fence" and "Accessory Building, Structure, or Use;" repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Following discussion among City Council members and staff the public hearing was opened. Seeing no others present expressed a desire to be heard, the public hearing is closed.

MOTION: Goetzinger moved to approve agenda item 10c. Hoffman seconded the motion.

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

- i. Discuss, consider and approve or disapprove the emergency section of the forgoing ordinance.

MOTION: Hoffman moved to approve item 10c(i) - emergency clause of the foregoing ordinance. Goetzinger seconded the motion.

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

- d. Discussion, consideration and possible approval or disapproval of 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.

MOTION: Goetzinger moved to approve agenda item 10d. Hoffman seconded the motion.

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

- e. Discussion, consideration, and possible approval or disapproval, upon the recommendation of the Nichols Hills Environment, Health and Sustainability Commission, of an ordinance amending the Nichols Hills City Code regarding restrictions on smoking and uses of tobacco products and vapor products and providing for penalties and fines for violation of such restrictions; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Hoffman moved to approve agenda item 10e. Goetzinger seconded the motion.

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

- i. Discuss, consider and approve or disapprove the emergency section of the forgoing ordinance.

MOTION: Goetzinger moved to approve item 10e(i) - emergency clause of the foregoing ordinance. Hoffman seconded the motion.

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

- f. Discussion, consideration and possible approval or disapproval of an ordinance amending chapters 8, 10, and 48 of the Nichols Hills City Code regarding the expiration date of registrations, licenses, and bonds for various workmen performing work in the City and making such registrations, licenses, and bonds expire one year from their date rather than expiring on June 30 of each year; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Hoffman moved to approve agenda item 10f. Goetzinger seconded the motion.

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

- i. Discuss, consider and approve or disapprove the emergency section of the forgoing ordinance.

MOTION: Goetzinger moved to approve item 10f(i) - emergency clause of the foregoing ordinance. Hoffman seconded the motion.

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

11. Adjournment

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

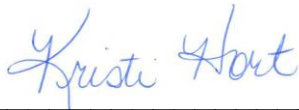
RESULT:	APPROVED [UNANIMOUS]
MOVER:	E. Peter Hoffman
SECONDER:	Steven J. Goetzinger
AYES:	Clements, Goetzinger, Hoffman



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma