

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, January 12, 2016 at 5:30 PM
Town Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

Original Agenda Filed in the Office of the Municipal Clerk at 4:30 PM on the 8th day of January, 2016.

1. Call to Order and Pledge of Allegiance

2. Roll Call

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

- a. Oath of Office for newly appointed Police Chief for the City of Nichols Hills to be administered by Honorable Judge Charles Lutz.

Judge Charles Lutz administered the Oath of Office and Loyalty Oath to Police Chief Steven Cox.

Mayor Hoffman and fellow council members expressed their appreciation to outgoing Police Chief Richard Mask for his years of service to the City of Nichols Hills and their residents.

3. Minutes

No items to be considered.

4. Departmental Reports for December 2015

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

- a. Police Department Report
- b. Court Report
- c. Fire Department
- d. Public Works
- e. Risk Manager
- f. New Resident List
- g. City Treasurer's Report

- h. Finance Director's Report
- i. Information System Management Report
- j. Engineers Report

Goetzinger moved to accept the December 2015 department reports as presented.
Clements seconded the motion.

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

5. Total Warrants & Claims \$927,264.47

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

a. General Fund	418,537.18
b. Street & Alley	0.00
c. Designated Funds	516.65
d. Nichols Hills Municipal Authority	65,539.01
e. General Fund Capital Improvement	1,557.99
f. Architect, Engineer & Design Fund	36,024.93
g. Nichols Hills Municipal Authority - Capital Improvement	0.00
h. General Obligation Bond Funds	405,088.71

Clements moved to approve the total warrants and claims as presented. Goetzinger seconded the motion.

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

6. Consent Docket - Construction

Discussion, consideration and possible approval of the following:

- a. Amendment No. 2 (Final) in the amount of \$<11,121.25> for Project No. PC-1401 for the Paving Drainage Improvements on Wilshire Boulevard from Dorset to Nichols Road. This decreases the original contract amount to \$1,638,497.47 to be paid out of the 2010-2011 GO Bonds and other funds.
- b. Change Order No. 3, in the amount of \$14,829.18 for Project No. FC-1302 for the Public Works Facility Expansion. This increases the original contract amount to \$1,047,383.09 to be paid out of the 2014 GO Bonds and other funds.

- c. Change Order No. 1, in the amount of \$13,200 for Project No. PC-1201 for the Paving and Drainage Improvements to Pennsylvania Ave from NW 63rd St to Grand Boulevard. This increases the original contract amount to \$1,874,980.90 To Be Paid Out Of The 2014 GO Bonds and other funds.
- d. Pay Estimate No. 4 For Project No. WW-1401, Water Wells #2, #5, & #8 in the amount of \$109,323.14, to Layne Christensen Co. City Engineer has verified quantities and recommends approval to be paid out of 2013 GO Bonds and other funds.
- e. Pay Estimate No. 5 for Project No. PC-1201, Paving Improvements on Pennsylvania Ave from NW 63rd St to Grand Boulevard in the amount of \$82,048.97, to Nash Construction Co. To be paid out of 2012 GO Bonds and other funds.
- f. Pay Estimate No. 9 for Project No. PC-1401, Paving and Drainage Improvements for Wilshire Boulevard from Dorset to Nichols Road Project in the amount of \$3,148.91, to Rudy Construction Co. Inc. City Engineer has verified quantities and recommends approval to be paid out of 2010-2011 GO Bonds and other funds.
- g. Pay Estimate No. 10 (Final) and final acceptance for Project No. PC-1401, Paving and Drainage Improvements for Wilshire Boulevard from Dorset to Nichols Road Project in the amount of \$71,616.44, to Rudy Construction Co. Inc., and placing maintenance bond into effect. City Engineer has verified quantities and recommends approval to be paid out of 2010-2011 GO Bonds and other funds.
- h. Pay Estimate No. 9 for Project No. FC-1302, Public Works Facility Expansion Project in the amount of \$88,825.95, to Pillar Contracting, Inc. City Engineer has verified quantities and recommends approval to be paid out of 2014 GO Bonds and other funds.
- i. Review, approve, ratify and accept contract and bonds, which may include construction, maintenance and performance bonds, relating to Project FC-1401 for the 2014 GO Bond Issue for the Public Works Fueling Station.

Goetzinger moved to approve Item 6 - Consent Docket Construction Items a - i, as presented. Clements seconded the motion.

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

7. Consent Docket - General

Discussion, consideration and possible approval of the following:

No items to be considered.

8. Citizens Desiring to be heard

Except as noted in the Public Hearings, no one expressed a desire to be heard.

9. Items for Separate Vote - General

Discussion, consideration and possible approval of the following:

- a. Concerning request from Christ the King Catholic School Parent - Teacher Organization to hold the 2016 "CK RUN", consisting of a 5K, a 1 mile for school-age children and a "dash" for pre-school children.

Alyssa D. Farrell presented the request of the parent-teacher organization of Christ the King Catholic School to host a "CK Run" on September 24, 2016. She stated they currently have over 130 volunteers and will employ a minimum of seven off duty officers to assist with traffic control concerns.

Clements moved to approve agenda item 9a, pending continued conversations with the Police Chief and City Manager, with our wholehearted support. Goetzinger seconded the motion.

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

- b. Authorizing Oklahoma City Memorial Marathon to install approximately 60 banners within the city limits of The City of Nichols Hills between April 15, 2016 and April 30, 2016.

Goetzinger moved to approve agenda item 9b as presented. Clements seconded the motion.

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

- c. To accept art donation from Wiley Hugo.

Ms. Wiley Hugos presented a lithograph, In Holland Stands a House, by H. Willbeck LeMairs. She shared the history of the lithograph with council members and expressed her desire to donate this to the Nichols Hills Fire Department.

Clements moved to accept the lithograph donation from Ms. Hugos. Goetzinger seconded the motion.

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

- d. To accept donation of a Nichols Hills Style Light Pole from Vicki English.

Goetzinger moved to approve agenda item 9d as presented. Clements seconded the motion.

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

- e. Accept the Comprehensive Annual Financial Report and Accompanying Independent Auditor's report for the fiscal year ended June 30, 2015. Frank Crawford to address council.

Frank Crawford, President of Crawford & Associates, P.C. present the audit report for fiscal year 2014-2015, along with the performeter. The audit resulted in an "unmodified" audit. He explained that the new term "unmodified" replaced "unqualified". Both indicate a clean audit. Following discussion with council members, Goetzinger moved to approve agenda item 9e as presented. Clements seconded the motion.

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

- f. Regarding the Environmental, Health and Sustainability Commission recommendation regarding rain and freeze sensors.

Chairman Herzel presented the Environmental, Health and Sustainability Commission recommendation for rain and freeze sensor for irrigation systems in Nichols Hills. Following discussion with council members and staff, Goetzinger moved to table this item until the February 9, 2016 meeting. Clements seconded the motion.

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

- g. Award bid for Project TC-1601 - Radar Speed Smart Signs to the lowest responsible bidder as recommended by Public Works Director Randy Lawrence, to be paid from the 2015 GO Bond Fund and other funds.

City Manager David Poole advised the City will rebid this project and recommends no action be taken.

- h. Award bid for Project TC-1602 - Traffic Signs, Sign Frames and Post to the lowest responsible bidder as recommended by Public Works Director Randy Lawrence, to be paid from the 2015 GO Bond Fund and other funds.

City Manager David Poole recommended the rejection of the bid received, which was higher than our budget allowed. Clements moved to reject all bids. Goetzinger seconded the motion.

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

- i. Discussion, consideration, and possible approval or disapproval of an agreement with Tyler Technologies, Incorporated to provide hosted (online) applications for Utility Billing, Building Permits, Business Licenses and Municipal Court, and related software and services.

Goetzinger moved to approve agenda item 9i as presented. Clements seconded the motion.

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

- j. Discussion, consideration and possible approval or disapproval of a Merchant Application and Agreement between the City and Electronic Transaction Systems (ETS) Corporation, as modified by Addendum No. 1 to the same.

Clements moved to approve agenda item 9j as presented. Goetzinger seconded the motion.

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

- k. Budget adjustment for 2016 GO Bond Funds

Goetzinger moved to approve agenda item 9k as presented. Clements seconded the motion.

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

- l. TO BE READ INTO THE MINUTES: The City of Nichols Hills has received from Oklahoma Department of Environmental Quality, Permit No. WW000055150842 for construction of replacement wells 12 and 23, drilled and completed to depths of approximately 700-feet, each including an estimated 200-gpm submersible pump at 475-foot TDH, well house, and a 60-kW emergency generator with automatic transfer switch; approximately 140 L.F. of six (6) inch connecting water lines; and appurtenances to serve the City of Nichols Hills Groundwater Source Replacement Raw Water Wells 12 and 23 Project, Oklahoma County, Oklahoma.

Mayor Hoffman read into the minutes Permit # WW000055150842 issued by Department of Environmental Quality. Clements moved to acknowledge the reading of this permit into the minutes. Goetzinger seconded the motion.

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

m. Planning Commission Appointment for Ward Two.

No action taken.

n. Discussion, consideration and possible approval or disapproval of entering into a lease agreement with OKC-NHP, LLC for office space located at 1117 Northwest 63rd Street in Nichols Hills, Oklahoma.

Goetzinger moved to approve agenda item 9n as presented. Clements seconded the motion.

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

o. Discussion, consideration and possible action to develop an ordinance regulating food trucks.

Following discussion between City Council members and staff, Clements moved to direct staff to develop an ordinance to regulate food trucks. Goetzinger seconded the motion.

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

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

Discussion, consideration and possible approval of the following:

- a. A resolution calling a general election to be held on April 5, 2016 for the purpose of electing a council member from Ward Two of the City of Nichols Hills, Oklahoma; setting forth the qualifications for such office, the term of the office to be filled, the filing period of candidates for such office, and the manner of holding said elections; providing for election procedures; directing the city clerk to cause this resolution to be published in a newspaper of general circulation in the city; directing the city clerk to notify the Oklahoma County Election Board of the date of election and content hereof by delivering a copy of this resolution to the secretary of said board; directing the city clerk to furnish said board a current map of the city, a copy of the city charter, as it applies to the conduct of elections, and any other information required by law or necessary for conducting said election; authorizing the closing of a precinct, partially contained within the city, in which no person reside; and containing related provisions.

Goetzinger moved to approve agenda item 10a as presented. Clements seconded the motion.

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

- b. Discussion, consideration, and possible approval or disapproval of a resolution of the Council of the City of Nichols Hills, Oklahoma expressing support of the preservation of tax exempt financing and directing that such resolution be submitted to the Municipal Electric Systems of Oklahoma.

Clements moved to approve agenda item 10b as presented. Goetzinger seconded the motion.

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

- c. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of an ordinance closing to public use a portion of Cumberland Drive located adjacent to the west line of North Western Avenue; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring and emergency.

Mr. Tim Johnson and Ms. Lisa Hardin presented the preliminary plat for consideration. Following discussion with council and staff, Mayor Hoffman opened the public hearing. Seeing that no one present expressed a desire to speak, the public hearing was closed.

Goetzinger moved to approve agenda item 10c subject to adding to the closing ordinance the following language provided by City Attorney John Michael Williams: "except that public pedestrian access shall be provided from the Western Avenue right-of-way to the non-closed portion of Cumberland Drive." Clements seconded the motion.

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

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

Clements moved to approve the emergency section of agenda item 10c(i). Goetzinger seconded the motion.

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

- d. Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding revocable permits for private structures encroaching on public lands, improvements or public rights-of-way; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Goetzinger moved to approve the ordinance presented in agenda item 10d. Clements seconded the motion.

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

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

Clements moved to approve the emergency section of agenda item 10d(i). Goetzinger seconded the motion.

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

- e. Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding the City Attorney and Assistant City Attorneys; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

No action taken.

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

No action taken.

- f. Discussion, consideration and possible approval or disapproval of a resolution of the Council of the City of Nichols Hills, Oklahoma appointing S. Shane Pate and Michael D. O'Neal as Assistant City Attorneys.

No action taken.

- g. Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding convenience fees for payments made to the City of Nichols Hills, Oklahoma, or the Nichols Hills Municipal Authority through online transactions; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Clements moved to approve the ordinance presented in agenda item 10g. Goetzinger seconded the motion.

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

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

Goetzinger moved to approve the emergency section of agenda item 10g(i).
Clements seconded the motion.

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

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

Clements moved to approve agenda item 10h. Goetzinger seconded the motion.

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

- i. 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.

Goetzinger moved to approve the agenda item 10i. Clements seconded the motion.

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

- j. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding notice requirements for zoning changes; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

No action taken.

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

No action taken.

11. Adjournment

There being no further business, Clements moved to adjourn the meeting. Goetzinger seconded the motion.

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



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma