

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, April 12, 2016 at 5:30 PM
Public Works, 1009 NW 75th
Nichols Hills/OKC, OK 73116

**Original Agenda Filed in the Office of the Municipal Clerk at
3:25 PM on the 8th day of April, 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	

3. Minutes - No items to be considered

Commemoration of Life - Edward H. Moler, Nichols Hills City Attorney
May 1973 through May 2006.

Mayor Hoffman read the proclamation honoring and commemoration of life - Mr. Edward H. Moler. Goetzinger moved to approve and accept the proclamation. Clements seconded the motion.

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

4. Departmental Reports for March 2016

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

Clements moved to approve the March 2016 Departmental Reports as presented. Goetzinger seconded the motion.

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

5. Total Warrants & Claims \$836,387.15

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

a. General Fund	198,084.61
b. Street & Alley	0.00
c. Designated Funds	115.00
d. Nichols Hills Municipal Authority	61,065.90
e. General Fund Capital Improvement	84,709.19
f. 9-1-1 Fund	0.00
g. Nichols Hills Municipal Authority - Capital Improvement	300.00

h. Architect, Engineer & Design Fund	.00
i. General Obligation Bond Funds	492,112.45

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

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

6. Consent Docket - Construction

Discussion, consideration and possible approval of the following:

- a. Change Order No. 3, with Nash Construction in the amount of \$42,855 for Project No. PC-1201 Paving and Drainage Improvements to Pennsylvania Ave from NW 63rd St to Grand Boulevard. This increases the original contract amount to \$1,934,980.90, to be paid from the 2014 GO Bonds and other funds.
- b. Amendment No. 2 – Change order No. 1, with Urban Contractors, in the amount of \$<37,484.14> and \$6,250, respectfully for Project No. SC-1302 Sanitary Sewer Rehabilitation - City Wide Project. This brings the original contract amount to \$1,112,464.27, to be paid from the 2013 Bonds and other funds.
- c. Pay Estimate No. 8 with Nash Construction, Co., for Project No. PC-1201, Paving Improvements on Pennsylvania Ave from NW 63rd to Grand Boulevard in the amount of \$58,603.95, to be paid from the 2012 GO Bonds and other funds.
- d. Pay Estimate No. 12 (Final) with Urban Contractors, LLC., for Project No. SC-1302, City-Wide Sanitary Sewer Rehabilitation in the amount of \$106,098.80. City Engineer has verified quantities and recommends approval, to be paid from the 2011 GO Bonds and other funds, and place maintenance bonds into effect.

- e. Pay Estimate No. 6 with Layne Christenson Co., for Project No. WW-1401, Water Wells #2, #5, & #8 in the amount of \$236,606.52. City Engineer has verified quantities and recommends approval to be paid from the 2013 GO Bonds and other funds.

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

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

7. Consent Docket - General - No items to be considered

Discussion, consideration and possible approval of the following:

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. O G & E Arborist to address City Council

Mr. Mike Rose, Arborist for OG&E and Mr. Wes Lanier with OG&E spoke to Council members regarding the tree trimming project in Nichols Hills.

b. Discussion, consideration and possible action to approve or disapprove request from Fit4Mom North OKC/Edmond to hold a fitness program in Grand Park. Sheridan Gruber to address council.

Ms. Sheridan Gruber spoke to council members requesting authorization to hold a Fit4Mom fitness for profit program in Grand Park. Following discussion, Geotzinger moved to deny

(disapprove) the request to hold a fitness program in Grand Park. Clements seconded the motion.

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

- c. Concerning the request from the Mercy Health Foundation to install approximately 20 banners along Pennsylvania Avenue and Grand Boulevard, proposed to occur between November 22, 2016 and December 5, 2016.

Ms. Natalie Estes spoke on behalf of Mercy Health Foundation requesting to install banners supporting their foundation. Clements moved to approve the request to install banners supporting Mercy Health Foundation. Goetzinger seconded the motion.

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

- d. Discussion, consideration and possible action to approve or disapprove request from Charlotte Edmonds, Junior at Bishop McGuinness Highschool, to hold a 5K fun run proposed to occur the week of April 18 - 22, 2016

Requester Ms. Charlotte Edmonds, was not present to answer questions concerning the request to hold a 5k run. Therefore, Geotzinger moved to deny the request to hold a 5k run in Nichols Hills on the week of April 18-22, 2016. Clements seconded the motion.

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

- e. Tort claim submitted by Jill Parker Zizzi Trustee for James R. Parker Revocable Trust, for \$3,466.58, for damage sustained to her car. Risk Manager Lindy Stormont recommends denial of the claim and submission to the city's insurance.

Clements moved to deny the tort claim submitted by Jill Parker Zizzi and directed Risk Manager Lindy Stormont to submit the claim to the City's Insurance. Goetzinger seconded the motion.

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

- f. Mack Kennedy to address City Council concerning Recycling

Mr. Mac Kennedy spoke to City Council seeking their reconsideration regarding implementation of a weekly recycling option for Nichols Hills residents. He offered several options to be discussed. City Council applauded his efforts and desire to make Nichols Hills a better city.

- g. PUBLIC HEARING: Discussion, consideration and possible approval or disapproval of the issuance of a special permit to AT&T, represented by CRB Companies LLC (mistakenly referred to as "CBR Companies LLC" in the published notice), for the purpose of upgrading existing facilities and equipment, and installation of new facilities and equipment referred to as antennas, radios, TMA, RRUS, power lines and fiber on the water tower located at 1009 NW 75th Street, Nichols Hills, Oklahoma.

Ms. Kristina Stanley, CRB Representative spoke to council regarding the request to replace equipment on the water tower. She stated there will be no visual impact to the tower. Attorney Kendall Parish recommended approval, advising the result will increase monthly lease revenue by \$400 per month. David Poole

advised Planning Commission recommended approval.

Following discussion, Mayor Hoffman opened the public hearing. No one expressed a desire to be heard; therefore the public hearing was closed.

Goetzing moved to approve the special permit application. Clements seconded the motion.

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

- h. Discussion, consideration and possible approval or disapproval of First Amendment to Lease Agreement with New Cingular Wireless PCS, LLC regarding lease of space on the water tower located at 1009 NW 7th Street, Nichols Hills, Oklahoma, for the purpose of upgrading existing AT&T facilities and equipment, and installation of new AT&T facilities and equipment referred to as antennas, radios, TMA, RRUS, power lines and fiber

Clements moved to approve item 9h, the First amendment to Lease Agreement with New Cingular Wireless PCS, LLC. Goetzing seconded the motion.

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

- i. Review, approve, ratify and accept contract and bonds with Layne Christensen Co., which may include construction, maintenance and performance bonds, relating to Project WW-1501 for the 2013 GO Bond Issue for Water Well #12.

Goetzing moved to ratify and approve the contracts and bonds with Layne Christensen Co for Project WW-1501 for Water Well #12. Clements seconded the motion.

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

- j. Review, approve, ratify and accept contract and bonds with SAC Services, Inc., which may include construction, maintenance and performance bonds, relating to Project PC-1501 for the 2014 and 2015 GO Bond Issue for Paving Improvements to Dorchester Dr. (Greystone Ave to Penn Ave) and Elmhurst Ave (Greystone Ave to Dorset).

Clements moved to ratify and approve the contracts and with sac Services, Inc. for Project PC-1501 for Paving Improvements to Dorchester Drive (Greystone Ave to Penn Ave) and Elmhurst Avenue (Greystone Ave to Dorset). Goetzinger seconded the motion.

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

- k. Entering into an agreement between Oklahoma Gas & Electric Company and the City of Nichols Hills, Oklahoma regarding electrical access for decorative lighting.

City Manager withdrew this item from the agenda.

- l. Award, selection and approval of best proposal to provide depository, banking and investment services in connection with the City's operational accounts as recommended by the Investment Policy Committee.

City Treasurer Jerry Marshall provided a brief synopses of the bids received for the City's Operating accounts, along with the deciding factors of the Investment Committee's recommendation to continue with BancFirst. Clements moved to accept the Investment Committee's recommendation to continue with BancFirst as the City's operating account bank. Goetzinger seconded the motion.

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

m. Discussion, consideration, and possible approval or disapproval of an Administrative Services Agreement between the City of Nichols Hills, Oklahoma and the Nichols Hills Municipal Authority.

Goetzinger moved to approve the administrative services agreement between the City of Nichols Hills, Oklahoma and the Nichols Hills Municipal Authority. Clements seconded the motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Steven J. Goetzinger
SECONDER: Sody Clements
AYES: Goetzinger, Clements, 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 a resolution adopting a list of approved broker/dealers pursuant to the Investment Policy.

City Treasurer Jerry Marshall relayed the Investment Committees recommendation to approve BOKF and Baker Group as approved brokers/dealers. Goetzinger moved to approve the resolution approving the new brokers/dealers. 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 authorizing and approving a Donation Agreement ("Agreement") with Chesapeake Land Development Company, L.L.C., regarding real estate in the vicinity of Town Hall, accepting the donation provided for by the Agreement and expressing appreciation to Chesapeake for its donation to the City, and authorizing the Mayor or Vice-Mayor to finalize, execute and to take necessary actions in furtherance of the Agreement, all for and on behalf of the City.

City Council members expressed their appreciation to Mr. John Kennedy for his efforts concerning the donation agreement between Chesapeake Land Development Company, LLC and the City of Nichols Hills. Clements moved to approve the resolution. 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 of the final plat for Cumberland Court, a tract of land containing 4.9 acres, more or less, being a part of the Southeast Quarter (SE/4) of Section Five (5), Township Twelve (12) North, Range Three (3) West of Indian Meridian, City of Nichols Hills, Oklahoma County, Oklahoma. All of lots One (1) through Eleven (11) Block Four (4) as shown on the recorded plat of business section of Nichols Hills. And all of lots Fourteen (14) through Twenty-Five (25) Block Five (5) as shown on the recorded plat of Nichols Hills.

Following discussion among City Council members and applicant, Mayor Hoffman opened the public hearing. No one present expressed a desire to be heard; therefore, the public hearing was closed. Goetzinger moved to table item 10C - Final Plat for Cumberland Court. Clements seconded the motion.

RESULT: **TABLED [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.

No action taken.

- d. PUBLIC HEARING: Discussion, consideration, and possible approval or disapproval of an ordinance regarding regulations for accessory structures in the "E-1" Estate Zoning District, the "E-2" Urban Estate Zoning District, the "R-1-75" Single-Family Residential Zoning District, the "R-1-60" Single-Family Residential Zoning District, the "R-2" Two-Family Residential Zoning District, and the "R-3" Multiple-Family Residential Zoning District; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Following lengthy discussion among City Council members, Attorneys and staff, Mayor Hoffman opened the public hearing. Mr. Richard Pralle, 6706 Avondale Drive shared his concerns of noise, privacy and property values when referring to a specific situation in his neighborhood. No others expressed a desire to be heard, the public hearing was closed. Council and staff expressed their appreciation to Mr. Pralle for his insight to the situation.

Clements moved to continue this item to the next regular meeting of the Nichols Hills City Council. Goetzinger seconded the motion.

RESULT: **CONTINUED TO THE NEXT REGULAR**
[UNANIMOUS] Next: 5/10/2016 5:30 PM
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.

No action taken.

- e. Discussion, consideration and possible approval or disapproval of an ordinance amending the Nichols Hills City Code regarding mobile food vendor permits; repealing all conflicting ordinances providing for severability; and declaring an emergency.

As a follow-up to a council request in January, Shane Pate summarized his research to date, regarding health standards and the permitting processes. Members discussed concerns and policy standards to be required of Mobile Food Vendors operating within the City of Nichols Hills. Following discussion Clements moved to approve the ordinance as presented with the following modifications: Page 3 Section (a)2, insert "This section shall not apply to food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business group". 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.

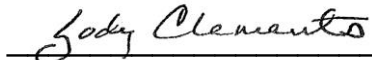
Goetzinger moved to approve Item 10e - Emergency clause of the foregoing Ordinance. Clements seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Goetzinger, Clements, Hoffman

11. Adjournment

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

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



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma