

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, May 10, 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
3:30 PM on the 6th day of May, 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 elected Councilman E. Peter Hoffman, Jr to be administered By Honorable Judge Charles Lutz.

Judge Charles Lutz administered the Oath of Office and Loyalty Oath to E. Peter Hoffman, Jr., Council Member for Ward 2 in Nichols Hills.

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

Hoffman moved to nominate Steven J. Goetzinger as Mayor for the City of Nichols Hills. Clements seconded the motion.

Following the nomination and voting, Mayor Goetzinger expressed his appreciation for the input and participation of those present. Continuing he stated that the Nichols Hills City Council is a board of three members acting together for and on behalf of the City; none being capable of acting alone. They along with staff and legal counsel, and the needed input of Nichols Hills' citizens, work

to achieve goals and pass ordinances for the City.

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

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

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

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

3. Minutes

a. April 12, 2016 Minutes

Clements moved to approve the April 12, 2016 minutes as presented. Hoffman seconded the motion.

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

4. Departmental Reports for April 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

Hoffman moved to approve the April 2016 departmental reports as presented. Clements seconded the motion

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

5. Total Warrants & Claims \$525,259.04

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

a. General Fund	103,054.98
b. Street & Alley	<37.15>
c. Designated Funds	0.00
d. Nichols Hills Municipal Authority	58,695.11
e. General Fund Capital Improvement	28,581.80
f. 9-1-1 Fund	0.00
g. Nichols Hills Municipal Authority - Capital Improvement	574.76
h. Architect, Engineer & Design Fund	42,961.95
i. General Obligation Bond Funds	291,427.59

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:	Goetzinger, Clements, Hoffman

6. Consent Docket - Construction

Discussion, consideration and possible approval of the following:

- a. Pay Estimate No. 9 with Nash Construction, Co., for Project No. PC-1201, Paving Improvements on Pennsylvania Ave from NW 63rd to Grand Boulevard in the amount of \$114,193.25, to be paid from the 2013 and 2014 GO Bonds and other funds.
- b. Pay Estimate No. 1 with Jenco Construction, for Project No. CH-1601, Town Hall Renovation in the amount of \$122,360, to be paid from the 2016 GO Bonds and other funds.
- c. Pay Estimate No. 1 with Petroleum Marketers Equipment Co., LLC, for Project No. FC-1401, Public Works Fueling Station in the amount of \$94,011.60, to be paid from the 2014 GO Bonds and other funds, and authorize payment.

Hoffman moved to approve Item 6(a-c) - Consent Docket Construction as presented. Clements seconded the motion.

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

7. Consent Docket - General

Discussion, consideration and possible approval of the following:

No items for consideration.

8. Citizens Desiring to be heard

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

9. Items for Separate Vote - General

Discussion, consideration and possible approval of the following:

- a. Discussion, consideration and possible approval or disapproval of the Application and Letter of Agreement between the City of Nichols Hills, Oklahoma and Southwestern Bell Telephone Company d/b/a/ AT&T Oklahoma for custom work to reroute all fiber and copper aerial facilities to enter building in a buried environment for the City of Nichols Hills Town Hall Renovation project and authorizing payment.

Clements moved to approve the Application and Letter of agreement between the City of Nichols Hills, Oklahoma and Southwestern Bell Telephone Company d/b/a/AT&T Oklahoma for custom work to reroute all fiber and copper aerial facilities to enter the building in a buried environment for the City of Nichols Hills Town Hall Renovation project and authorize payment. Hoffman seconded the motion.

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

- b. Enter into an agreement with the City of Oklahoma City to resurface the Nichols Hills half of Greystone from Dorchester Drive to Drakestone Avenue, at a cost of \$24,889.25.

Hoffman moved to approve the agreement with the City of Oklahoma City to resurface the Nichols Hills half of Greystone from Dorchester Drive to Drakestone Avenue, at a cost of \$24,889.25. Clements seconded the motion.

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

- c. Recommendation from Court Clerk to write off uncollectible receivables of individuals who are deceased or incarcerated for life without parole, in the amount of \$17,390.

Clements moved to approve the recommendation from Court Clerk to write off uncollectible receivables of individuals who are deceased or incarcerated for life without parole, in the amount of \$17,390. Hoffman seconded the motion.

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

- d. Acceptance of a permanent easement from Oklahoma City Golf and Country Club for property situated in Oklahoma County, Oklahoma to wit:

- i. The Tract of land located in the Northwest Quarter (NW/4) of Section Six (6), Township Twelve North (T-12-N), Range Three West (R-3-W) of the Indian Meridian (I.M.). Being more particularly described as follows:

Commencing in the SW corner of lot 7 block 122 of the "DUFFNERS COUNTRY CLUB SECTION"; Thence N79°00'00"W a distance of 86.00 feet to the POINT OF BEGINNING; Thence from said POINT OF BEGINNING N89°09'00"W a distance of 127.95 feet; Thence N00°51'00"E a distance of 15.00 feet; Thence S89°09'00"E a distance of 124.92 feet; Thence S10°34'08"E a distance of 15.30 feet to the POINT OF BEGINNING. Said tract of land contains .04 acres, more or less and is subject to any Easements or Rights-of-Way of record.

Hoffman moved to accept and approve the permanent easement from Oklahoma City Golf and Country Club for property situation in

Oklahoma County, Oklahoma, as described in agenda item 9d(i.).
Clements seconded the motion.

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

- e. The tort claim submitted by Holly and Clay Healey, for \$2,550, for damage sustained to appliances within the home. Risk Manager Lindy Stormont recommends denial of the claim and submission to the city's insurance.

Following the reading of Agenda item 9e, Mayor Goetzinger advised he has a conflict and will abstain.

Clements moved to deny the tort claim submitted by Holly and Clay Healey and submission of claim to the City's insurance.
Hoffman seconded the motion.

RESULT:	DENIED [2 TO 0]
MOVER:	Sody Clements
SECONDER:	E. Peter Hoffman
AYES:	Clements, Hoffman
ABSTAIN:	Goetzinger

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 the due date for utility bills and penalty for nonpayment of the same; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring and emergency.

Hoffman moved to approve agenda item 10a, an ordinance amending the Nichols Hills City Code regarding the due date for

utility bills and penalty for nonpayment of the same. Clements seconded the motion.

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

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

Clements moved to approve Item 10a(i) - Emergency clause of the foregoing Ordinance. Hoffman seconded the motion.

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

- b. 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.

City Council members, legal counsel and staff discussed the proposed ordinance, and the modifications made since the April 26th work session. Following discussion, Mayor Geotzinger opened the Public Hearing. Mr. Richard Pralle, Mr. Kevin Lamb and Mr. Dennis Bradford shared their comments of the proposed ordinance.

Clements moved the ordinance be approved, subject to the addition of the following language regarding screening requirements for tree houses in each of the residential zoning

districts: “Evergreen landscaping or other methods approved by the City Code Official shall also be installed between the tree house and any adjacent or abutting property owners to provide a noise barrier.” Hoffman seconded the motion.

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

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

Hoffman moved to approve Item 10b(i) - Emergency clause of the foregoing Ordinance. Clements seconded the motion.

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

- c. Discussion, consideration and possible approval or disapproval of an ordinance regarding restrictions on constructing fences or walls in front of front building line; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Following discussion among council members, Clements moved the ordinance be approved, subject to a revision of subsection (a) of the ordinance to state as follows: “No fence or wall shall be constructed closer than 15 feet behind the front wall of the main building, nor in front of the front building line on any adjacent property or premises. However, such restrictions shall not apply to fences or walls of ornamental design located on a lot or building site on which a main building exists which meet the following criteria: (1) Maximum height of the basic fence panel or wall element is 30 inches above ground level; (2) Support posts or columns, and light fixtures or ornamental attachments, may exceed 6 inches above the installed fence panel or wall elements; (3) Such ornamental fence structures shall be located not closer than 20 feet to the back of the street curb or to the edge of the

street pavement if there is no curb." Hoffman seconded the motion.

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

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

Hoffman moved to approve Item 10c(i) - Emergency clause of the foregoing Ordinance. Clements seconded the motion.

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

Hoffman moved to approve Agenda item 10d, 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. Clements seconded the motion.

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

- e. Discussion, consideration and possible approval or disapproval of a resolution nominating Kristi Hort as Trustee to the Board of Trustees District 6 of the Oklahoma Municipal Retirement Fund (OkMRF).

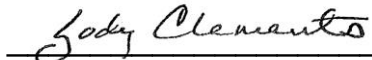
Clements moved to approve agenda item 10e, a resolution nominating Kristi Hort as Trustee to the Board of Trustees District 6 of the Oklahoma Municipal Retirement Funds. Hoffman seconded the motion.

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

11. Adjournment

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: Goetzinger, Clements, Hoffman



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma