

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, December 12, 2023 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

Original agenda filed in the Office of the City Clerk at 4:02 PM on the 8th day of December, 2023.

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. November 14, 2023 City Council Minutes
 - b. November 14, 2023 Special City Council Minutes

MOTION: Hoffman moved to approve the November 14, 2023 Special Meeting and the November 14, 2023 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

Consideration of acceptance, rejection, and/or postponement of the following:

- a. Police Department
- b. Municipal Court
- c. Fire Department

- d. Public Works
- e. Risk Manager
- f. New Resident List
- g. City Treasurer
- h. Finance Director
- i. Information System Manager
- j. Engineer
- k. ACOG Report

Mayor Clements thanked the Fire Department for their help.

Vice Mayor Hoffman reported that the City is working hard with ACOG on the trail grant between Sherwood Lane and NW 63rd Street.

MOTION: Goetzinger moved to approve the November 2023 departmental reports as presented. Hoffman seconded the motion.

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

5. Total Warrants & Claims \$826,177.29

- a. Consideration of approval, disapproval, and/or postponement of the following: Claims List for 2023-2024

a. General Fund	\$260,200.38
b. Designated Funds – Police	145.00
c. Nichols Hills Municipal Authority	154,216.18
d. General Fund Capital Improvement	63,439.11
e. Nichols Hills Municipal Authority – CIP	51,137.00
f. General Obligation Bond Funds	297,039.62

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

Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. Pay Estimate No. 4 for Project No. PC-2201 with SAC Services, Inc. for Paving Improvements to the 1700 & 1800 Blocks of Huntington Avenue in the amount of \$179,583.66.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2022 GO Bonds, 2023 GO Bonds, and other funds.

- b. Amendment No. 2 for Project No. PC-2105 with Rudy Construction Co., for Paving Improvements to the 7600 Block of Dorset Drive in the amount for Amendment No. 1 <\$80,458.95>.

BACKGROUND: The amendment decreases the contract amount to \$669,221.05. The original contract was \$689,200.00.

- c. Pay Estimate No. 5 (FINAL) for Project No. PC-2105 with Rudy Construction Co. for Paving Improvements to the 7600 Block of Dorset Drive in the amount of \$23,832.84 and place maintenance bonds into effect.

BACKGROUND: City Engineer has verified quantities and recommends approval, to be paid from 2022 GO Bonds and other funds.

MOTION: Goetzinger moved to approve item 6a - 6c 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

Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. 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.
- b. Request from Fire Chief Kevin Boydston to purchase (1) Endura mobile 6-unit charging pods for Kenwood VP5000 handheld radios and (1) Endura mobile 6-unit charging pods for Motorola APX6000 handheld radios for an amount not to exceed \$2,500.00, as approved in the FY 2023-2024 CIP budget.

MOTION: Hoffman moved to approve item 7a - 7b Consent Docket General as presented. 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

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.

Mr. Russ Walker, attorney representing Dr. Mark Sullivan, spoke to the City Council concerning an upcoming sewer rehabilitation on Hillcrest. Dr. Sullivan requested that the sewer work not be done in his front yard but be performed in the back-yard of the home across the street.

9. Items for Separate Vote - Ordinances, Resolutions, and Other Matters

- a. Third Amendment to Agreement between the City of Nichols Hills, Oklahoma and T-Mobile USA Tower LLC, regarding extension of the term of a cell tower lease generally located on City Property known as "Lisle Park" in the vicinity of 6706 North Pennsylvania Avenue subject to an early termination right in favor of the City; and related Memorandum of Third Amendment to Agreement.

MOTION: Goetzinger moved to approve agenda item 9a as presented. Hoffman seconded the motion.

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

- b. PUBLIC HEARING: An application for an ordinance to close to public use a lot line and an 8 foot utility easement described as follows: Abutting part of Lot 18 and Lot 20 in Block 50, in the Mayfair Park Section of Nichols Hills, Oklahoma, running diagonally in a southeasterly direct S 49 32 E a distance of 123.71 ft. from the southeast corner of Lot 15 in Block 50 and the northwest corner of Lot 19 in Block 50, a property also known as 6502 N. Lenox Avenue.

Following discussion among City Council members and staff, Mayor Clements opened the public hearing.

Seeing no others expressing a desire to be heard, the public hearing was closed.

MOTION: Hoffman moved to approve agenda item 9b as presented. Goetzinger seconded the motion.

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

- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.

MOTION: Goetzinger moved to approve agenda item 9b(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

- c. Request from Allied Arts to install 100 banners in recognition of Allied Arts Month. Banners will be displayed within the City of Nichols Hills between June 1, 2024 and June 18, 2024.

Mr. Joseph Messick, Finance Associate, and Ms. Sunny Cearley, Allied Arts President, presented the banner application for banners to be hung from June 4, 2024 to June 18, 2024.

MOTION: Hoffman moved to approve agenda item 9c as presented. Goetzinger seconded the motion.

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

- d. A Revocable Permit issued to the Redbud Foundation, Inc. for the purpose of the Redbud Classic on April 6 and 7, 2024.

Ms. Kristin Hersom, Redbud Classic Race Director, presented the application for the Revocable Permit for the 41st Redbud Classic Race to be held April 6 - April 7, 2024.

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

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

- e. Accept the Annual Comprehensive Financial Report and Accompanying Independent Auditor's Reports for the fiscal year ended June 30, 2023.

Mr. Dan Bledsoe, CPA and Partner with Finley & Cook, presented to City Council the auditor's report with the audit opinion for fiscal year ending June 30, 2023.

MOTION: Hoffman moved to accept agenda item 9e as presented. Goetzinger seconded the motion.

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

- f. Receive bids for sale of \$7,020,000 General Obligation Bonds, Series 2024, and award sale of bonds to the bidder bidding the lowest interest cost.

Mr. John Williams, City Attorney, reviewed the summary of bond bids with the City Council members and recommended the sale of \$7,020,000 General Obligation Bonds, Series 2024, be awarded to the lowest bidder, PNC Capital Markets.

Mr. Cameron Bertelli, with BOK Financial Securities, discussed the bids with the City Council members.

MOTION: Goetzinger moved to approve the minutes of sale of the bonds as presented. Hoffman seconded the motion.

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

- g. An ordinance providing for the issuance of General Obligation Bonds in the sum of Seven Million, Twenty Thousand Dollars (\$7,020,000) by the City of Nichols Hills, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for a combined bond issue designated "General Obligation Bonds, Series 2024"; prescribing redemption provisions; designating bonds for purposes of certain provisions of the Internal Revenue Code; providing for registration thereof; appointing a paying-agent registrar for the issue and matters related thereto; providing for the levy of an annual tax for payment of principal and interest on the bonds; approving the forms of a Continuing Disclosure Agreement and an Official Statement; authorizing the approval of a Continuing Disclosure Agreement, an Official Statement and other contracts and instruments necessary to consummate sale, issuance and delivery of the Bonds; fixing other details of the bond sale and issuance; and declaring an emergency.

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

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

- i. Consideration of adoption, approval, acceptance, rejection and/or amendment of the emergency section of the foregoing ordinance.

MOTION: Goetzinger moved to approve agenda item 9g(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

- h. Acceptance of Special Warranty Deed and Easement Agreement from NBC Oklahoma, an Oklahoma banking corporation, finalizing donation of a commercial water well to the City and authorizing execution and recordation of such Special Warranty Deed and Easement Agreement, as well as any other transactional documents required to effectuate the transaction.

MOTION: Hoffman moved to accept agenda item 9h as presented. Goetzinger seconded the motion.

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

- i. A resolution awarding contract to the lowest responsible bidder for PC-2301 Paving Improvements 1600 & 1700 Blocks of Randel Road, and authorizing execution of the contract, bonds, and related instruments.

MOTION: Goetzinger moved to award the contract for PC-2301 Paving Improvements 1600 & 1700 Blocks of Randel Road to Rudy Construction Company for \$1,181,687.50. Hoffman seconded the motion.

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

- j. Request to seek bids for FC-2302 Grand Park Channel Repair and receive and approve plans for the same.

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

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

- k. Discussion and possible action of creating a United States 250th year and Nichols Hills Centennial Committee.

Mr. Shane Pate, City Manager, discussed with City Council members the possibility of creating a committee to plan possible events to celebrate the United States 250th year and the Nichols Hills Centennial.

RESULT:	NO ACTION TAKEN
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- l. An Ordinance amending Article VI of Chapter 8 of the Nichols Hills City Code regarding fences and walls on corner lots; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mrs. Carla Sharpe presented two proposed options of the ordinance for the City Council to consider.

Following discussion among City Council members and staff, City Council directed staff to schedule a workshop to discuss the options further.

RESULT:	NO ACTION TAKEN
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- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.
- m. PUBLIC HEARING: An Ordinance amending Section 50-140 of the Nichols Hills City Code regarding allowed exterior wall building materials for the first floors of dwellings in Residential Districts; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

MOTION: Goetzinger moved to continue agenda item 9m to the next regular schedule meeting. Hoffman seconded the motion.

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

- i. Consideration of approval or disapproval of the emergency section of the foregoing ordinance.
- n. A resolution appointing Nichols Hills Public Arts Commissioners.
City Council members will reach out to the Public Arts Commissioners to work towards filling the two vacancies on the Public Arts Commission.

RESULT:	NO ACTION TAKEN
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10. Adjournment

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



Mayor
City of Nichols Hills, Oklahoma



City Manager
City of Nichols Hills, Oklahoma



City Clerk
City of Nichols Hills, Oklahoma