

MINUTES

Regular Meeting of the
Nichols Hills City Council
Tuesday, February 13, 2024 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 1:25 PM on
the 9th day of February, 2024.**

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. A proclamation declaring the week of April 14, 2024 through April 20, 2024 as Arbor Week in the City of Nichols Hills.

Mayor Clements presented a proclamation declaring the week of April 14, 2024 through April 20, 2024 as Arbor Week in the City of Nichols Hills.

City Manager Shane Pate gave an overview of the events planned for the April 20th Arbor Day Event. Mrs. Nancy Herzel, Chairman of the Environment, Health and Sustainability Commission, reported that Mr. Sam Grimmer, Arborist at Scissortail Park Foundation, will be at the event to speak and answer questions.

MOTION: Goetzinger moved to ratify the proclamation. Hoffman seconded the motion.

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

3. Minutes

- a. January 9, 2024 City Council Minutes
- b. January 10, 2024 City Council Minutes

MOTION: Hoffman moved to approve the January 9, 2024 and January 10, 2024 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 - Municipal Judge - Annual Report
- 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

I. Acceptance of the 2023 City of Nichols Hills Annual Report

Mayor Clements recognized the 2023 City of Nichols Hills Annual Report and thanked the employees for their hard work in striving for excellence in every area.

Municipal Judge Kevin Krah1 gave his annual report to the City Council members. Judge Krah1 praised the staff on their excellent performance of their duties.

Vice Mayor Hoffman reported that the City will be hearing from ACOG on Thursday, February 15th on the City's grant application for electric vehicles, charging stations, and a CNG grapple truck for the Public Works Department.

MOTION: Goetzing moved to approve the January 2024 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 \$454,032.86

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

a. General Fund	\$176,790.31
b. Nichols Hills Municipal Authority	90,732.30
c. General Fund Capital Improvement	14,964.54
d. Nichols Hills Municipal Authority – CIP	5,000.00
e. General Obligation Bond Funds	166,545.71

MOTION: Hoffman moved to approve the total warrants and claims as presented. Goetzing 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. 6 for Project No. PC-2201 with SAC Services, Inc. for Paving Improvements to the 1700 & 1800 Blocks of Huntington Avenue in the amount of \$46,748.49.

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

- b. Change Order No. 1 for the Fire Training Tower project with Landmark Construction Group, LLC in the amount of \$16,313.00.

BACKGROUND: The change order increases the contract to \$975,313.00. The original contract was \$959,000.00.

MOTION: Goetzinger moved to approve item 6a - 6b 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. 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.
- c. Request from Fire Chief Kevin Boydston to purchase rope rescue equipment for an amount not to exceed \$1,100.00, as approved in the FY 2023-2024 CIP budget.
- d. Request from Police Chief Steven Cox to purchase new hand held traffic enforcement radars not to exceed \$12,500.00, as approved in the FY 2023-2024 CIP budget.
- e. Request from Police Chief Steven Cox to purchase new mobile and portable radios not to exceed \$24,000.00, as approved in the FY 2023-2024 CIP budget.

MOTION: Hoffman moved to approve item 7a - 7e 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. Curtis Wilson asked the City Council to review the Nichols Hills Building Commission's work at their last meeting, concerning the 1104 Marlboro Lane application.

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

- a. PUBLIC HEARING: An Ordinance amending Section 50-372 of the Nichols Hills City Code regarding section cut requirements for Building Commission Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Building Commissioner Larry Herzel presented the proposed ordinance to the City Council.

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: 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

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

MOTION: Hoffman moved to approve agenda item 9a(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

- b. PUBLIC HEARING: An Ordinance amending Section 50-372 of the Nichols Hills City Code regarding centroid calculation requirements for Building Commission Certificate of Approval applications; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

City Manager Shane Pate gave an overview of the proposed ordinance.

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: Goetzinger moved to approve agenda item 9b as presented. 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.

MOTION: Hoffman moved to approve agenda item 9b(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

- c. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding the distance between accessory buildings, accessory structures, and accessory uses from main buildings and regarding breezeways between main buildings and accessory buildings and accessory structures; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

City Manager Shane Pate gave an overview of the proposed ordinance. Building Commissioner Larry Herzel answered questions from the City Council.

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: Goetzinger moved to approve agenda item 9c as presented. 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.

MOTION: Hoffman moved to approve agenda item 9c(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. PUBLIC HEARING: An Ordinance amending Section 50-140 of the Nichols Hills City Code regarding prohibited and allowed exterior wall building materials 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 9d to the next regularly scheduled 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.
- e. An ordinance amending Chapter 8, Article X of the Nichols Hills City Code regarding special use permits for certain outdoor works of art; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Mrs. Carla Sharpe, attorney for the City, presented the proposed ordinance to the City Council.

Mr. Henry Hood, representing Mr. Chris Keesee, discussed the proposed ordinance with the City Council.

MOTION: Goetzinger moved to approve agenda item 9e as presented. 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.

MOTION: Hoffman moved to approve agenda item 9e(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

f. A resolution awarding contract to the lowest responsible bidder for WC-2101 Water Treatment Facility Arsenic Removal Water Treatment Plant, and authorizing execution of the contract, bonds, and related instruments.

MOTION: Goetzinger moved to award the contract for WC-2101 Water Treatment Facility Arsenic Removal Water Treatment Plant to Landmark Construction for \$3,498,000.00. Hoffman seconded the motion.

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

g. A resolution awarding contract to the lowest responsible bidder for PC-2302 Paving Improvements 1100 Block of Bedford Drive, 7000 Block of Waverly Avenue, and 6800 Block of Trenton Road , and authorizing execution of the contract, bonds, and related instruments.

MOTION: Hoffman moved to award the contract for PC-2302 Paving Improvements 1100 Block of Bedford Drive, 7000 Block of Waverly Avenue, and 6800 Block of Trenton Road to Rudy

Construction Co. for \$1,067,265.00. Goetzinger seconded the motion.

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

- h. Lump sum distribution of pension benefits from Oklahoma Municipal Retirement Fund for retired employee Neil Gray.

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

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

- i. Public Arts Commission Appointment - At Large Appointment

MOTION: Hoffman moved to approve the appointment of Charles “Chip” Oppenheim as a member of the Public Arts Commission. Goetzinger seconded the motion.

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

- j. Public Arts Commission Appointment - Ward Three Appointment

MOTION: Goetzinger moved to approve the appointment of Amy Dunn as a member of the Public Arts Commission. Hoffman seconded the motion.

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

10. 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