

**MINUTES OF THE CITY COUNCIL OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
HELD IN THE CITY HALL 4301 CITY POINT DRIVE
MAY 11, 2020**

A. CALL TO ORDER

Mayor Trevino stated in accordance with the Texas Governor's March 13, 2020 Disaster Declaration and subsequent suspension of certain Texas Open Meetings Act Provisions, this May 11, 2020 meeting of the North Richland Hills City Council is hereby called to order at 6:25 p.m.

Mayor Trevino stated that tonight's meeting will be conducted using Webex video conference in order to observe physical distancing to mitigate the spread of COVID-19.

Mayor Trevino conducted a roll call of City Council members to confirm the presence of a quorum.

Present via video conference:

Oscar Trevino, Mayor

Rita Wright Oujesky, Mayor Pro Tem

Tito Rodriguez, Associate Mayor Pro Tem

Suzy Compton, Place 3

Mason Orr, Place 4

Mike Benton, Place 5

Scott Turnage, Deputy Mayor Pro Tem (present at 6:28 p.m.)

Absent:

Tim Welch, Place 7

Staff present via video conference:

Mark Hindman, City Manager

Alicia Richardson, City Secretary

Maleshia B. McGinnis, City Attorney

Karen Manila, Assistant City Manager

Clayton Comstock, Director of Planning

A.1 INVOCATION

Council member Benton gave the invocation.

A.2 PLEDGE

May 11, 2020

City Council Meeting Minutes

Page 1 of 8

Council member Benton led the Pledge of Allegiance to the United States and Texas flags.

A.3 SPECIAL PRESENTATION(S) AND RECOGNITION(S)

There were no items for this category.

A.4 CITIZENS PRESENTATION

There were no requests to speak from the public.

A.5 PUBLIC COMMENTS

There were no requests to speak from the public.

A.6 REMOVAL OF ITEM(S) FROM CONSENT AGENDA

No items were removed from the consent agenda.

B. CONSIDER APPROVAL OF CONSENT AGENDA ITEMS

APPROVED

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 6-0.

B.1 APPROVE MINUTES OF THE REGULAR APRIL 27, 2020 CITY COUNCIL MEETING.

B.2 RP 2020-04 CONSIDERATION OF A REQUEST FROM TEXAS SURVEYING INC. FOR A REPLAT OF LOTS 6R1 AND 8R, BLOCK 2, JACK M. ESTES JR. SUBDIVISION, BEING 2.132 ACRES LOCATED AT 3700 RUFÉ SNOW DRIVE AND 6721 BOULEVARD 26.

B.3 FP 2020-02 CONSIDERATION OF A REQUEST FROM RAMON HERNANDEZ FOR A FINAL PLAT OF LOT 2, BLOCK 20, BRIARWOOD ESTATES, BEING 0.994 ACRES LOCATED AT 6935 SMITHFIELD ROAD.

B.4 CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$105,759 FOR THE BFC-7 FLOOD STUDY PROJECT (DR2004).

B.5 ACKNOWLEDGE ASSUMPTION AND ASSIGNMENT OF TARRANT COUNTY CONTRACT BID NO. 2018-057 AND AUTHORIZE TRANSFER OF CITY OF NORTH RICHLAND HILLS PURCHASE AGREEMENT FROM MARTIN EAGLE OIL COMPANY TO U.S. VENTURE, INC.

C. PUBLIC HEARINGS

C.1 SUP 2020-02, ORDINANCE NO. 3646, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM SUNFINITY RENEWABLE ENERGY LLC FOR A SPECIAL USE PERMIT FOR A GROUND MOUNTED SOLAR ARRAY AT 7325 CHAPMAN DRIVE, BEING 1.911 ACRES DESCRIBED AS LOT 13, BLOCK 1, MORGAN MEADOWS.

APPROVED

Mayor Trevino opened the public hearing and called on Director of Planning Clayton Comstock to introduce the item.

Mr. Comstock informed City Council the applicant is requesting a special use permit for 1.911 acres located at 7325 Chapman Drive. The area is designated on the Comprehensive Land Use Plan as residential estate and the current zoning is R-1-S special single family. Mr. Comstock provided site photos of the property.

Applicant Jeff Melton with Sunfinity Renewable Energy LLC located at 17300 Dallas Parkway, Suite 2020, Dallas presented request. Mr. Melton informed City Council the proposed ground mounted solar array will be located on the northern portion of the property. At the Planning and Zoning Commission there was concern about the fence located on the west side of the property being less than eight feet in height. Mr. Melton informed City Council the homeowner is in agreement to fix the height of the fence.

Mr. Comstock presented staff's report. The ground mounted solar array is approximately 964 square feet and will be located in the rear of the property. The solar array is seven feet two inches tall at its highest point. Ground mounted solar arrays are required to be screened from adjacent properties. The Development Review Committee (DRC) recommends the fence facing Chapman Drive be replaced or the height increased. As an alternative, the homeowner may provide screening shrubs on the west side of the house. The screening shrubs shall be seven to ten gallon evergreen species planted eight feet apart that will grow at least seven feet in height within three years. Mr. Comstock informed City Council the ordinance is written to provide homeowner the option to replace fence or plant additional evergreen shrubs. The special use permit is required because the property has a detached garage (permanent accessory structure) and the combined total square footage of the detached garage and ground mounted solar array exceed the maximum floor area allowed for permanent accessory structures. The

May 11, 2020

City Council Meeting Minutes

Page 3 of 8

Planning and Zoning Commission, at their May 7, 2020 meeting, recommended approval with a vote of 6-0.

Mayor Trevino asked Assistant City Secretary Traci Henderson to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY MAYOR PRO TEM WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER BENTON TO APPROVE ORDINANCE NO. 3646, WITH THE STIPULATION THE RESIDENT REPLACE THE FENCE FACING CHAPMAN DRIVE WITH AN EIGHT FOOT FENCE.

MOTION TO APPROVE CARRIED 6-0.

C.2 ZC 2020-04, ORDINANCE NO. 3647, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM MICHAEL AND JENNIFER EASLEY FOR A ZONING CHANGE FROM AG (AGRICULTURAL) TO R-2 (SINGLE-FAMILY RESIDENTIAL) AT 7521 KIRK ROAD, BEING 0.33 ACRES DESCRIBED AS TRACT 14C, STEPHEN RICHARDSON SURVEY, ABSTRACT 1266.

APPROVED

Mayor Trevino opened the public hearing for Ordinance No. 3647 and called on Director of Planning Clayton Comstock to introduce Item C.2, ZC 2020-04 and companion item D.1, FP 2020-03.

Mr. Comstock informed City Council the applicant is requesting a zoning change for 0.33 acres located at 7521 Kirk Road. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is AG agricultural. The proposed zoning is R-2 single family residential. The property is currently unplatted with an existing house. The proposed final plat associated with the zoning change creates one single family lot. Mr. Comstock provided site photos of the property.

Applicant Michael Easley, 7521 Kirk Road presented item. Mr. Easley informed City Council he plans to add approximately 350 square feet to the existing house. The interior renovation will include the addition of a bedroom and work in the kitchen.

Mr. Comstock presented staff's report. He informed City Council the property is a legal nonconforming lot that is zoned agricultural and is not platted. The subdivision and zoning ordinances require a legal nonconforming use to be zoned and platted prior to being expanded. The Planning and Zoning Commission, at their May 7, 2020 meeting, recommended approval with a vote of 6-0 for the zoning change and final plat.

Mayor Trevino asked Assistant City Secretary Traci Henderson to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY DEPUTY MAYOR PRO TEM TURNAGE, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVED ORDINANCE NO. 3647.

MOTION TO APPROVE CARRIED 6-0.

D. PLANNING AND DEVELOPMENT

D.1 FP 2020-03 CONSIDERATION OF A REQUEST FROM JENNIFER AND MICHAEL EASLEY FOR A FINAL PLAT OF LOT 20, BLOCK 2, MEADOWVIEW ESTATES, BEING 0.314 ACRES LOCATED AT 7521 KIRK ROAD.

APPROVED

City Council discussed this item in conjunction with item C.2.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY ASSOCIATE MAYOR PRO TEM RODRIGUEZ TO APPROVE FP 2020-03.

MOTION TO APPROVE CARRIED 6-0.

D.2 RP 2020-07 CONSIDERATION OF A REQUEST FROM BURGESS & NIPLE FOR A REPLAT OF LOTS 11R AND 13R, EDGLEY ADDITION, BEING 1.727 ACRES LOCATED AT 7502 AND 7504 BOULEVARD 26.

APPROVED

Mr. Comstock informed City Council the applicant is requesting a replat for 1.727 acres located at 7502 and 7504 Boulevard 26. The area is designated on the Comprehensive Land Use Plan as retail commercial and the current zoning is C-2 commercial. Mr. Comstock provided site photos of the property.

Applicant representative Vanessa McElroy with Burgess & Niple located at 12750 Merit Drive, Suite 425, Dallas presented request. Ms. McElroy informed City Council her client, Cool Air Automotive, agrees with the recommended conditions with the exception of item 4 that provides a common access easement across both lots. Ms. McElroy mentioned that her client is concerned with the security for his business and customers.

Mr. Comstock presented staff's report. Currently, there are four separate lots on two

properties. Mr. Comstock informed City Council the applicant is seeking a variance to the design criteria of the subdivision regulations related to common access easements. The Planning and Zoning Commission, at their May 7, 2020 meeting, recommended approval with the conditions outlined in the Development Review Committee comments and the requested variance to the common access easement requirement. The Planning and Zoning Commission approved the item with a vote of 7-0. Staff recommends approval, subject to the Development Review Committee comments. If City Council wishes to approve requested variance; the motion will need to include the waiver in their motion.

City Council and staff discussed the common access easement.

A MOTION WAS MADE BY MAYOR PRO TEM WRIGHT OUJESKY, SECONDED BY ASSOCIATE MAYOR PRO TEM RODRIGUEZ TO APPROVE RP 2020-07 WITH THE CONDITIONS OUTLINED IN THE DEVELOPMENT REVIEW COMMITTEE COMMENTS, WITH THE EXCEPTION OF ITEM 4.

MOTION TO APPROVE CARRIED 6-0.

E. PUBLIC WORKS

There were no items for this category.

F. GENERAL ITEMS

F.1 CONSIDER RESOLUTION NO. 2020-022, TO DENY ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR WITHIN THE CITY OF NORTH RICHLAND HILLS.

APPROVED

Assistant City Manager Karen Manila informed City Council the item before them this evening is to approve a resolution denying Oncor's Electric Delivery Company LLC's rate request filed with the City of North Richland Hills. In the filing, Oncor is seeking a \$75,889,531 increase in distribution revenues. North Richland Hills and approximately 160 municipalities are members of a Steering Committee served by Oncor. The Steering Committee has engaged the services of a consultant to review Oncor's filing. The proposed resolution authorizes the City to participate with the Steering Committee of Cities served by Oncor as a party in the filing; hiring Lloyd Gosselink and consultants to review filing and take necessary action; finds Oncor's request to raise rates unreasonable and denied; keeps current rates in place until case is settled and allows recovery of reasonable rate case expenses. Staff recommends City Council approve

Resolution No. 2020-022.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY ASSOCIATE MAYOR PRO TEM RODRIGUEZ TO APPROVE RESOLUTION NO. 2020-022.

MOTION TO APPROVE CARRIED 6-0.

F.2 SELECT MEMBERS OF COUNCIL TO SERVE AS MAYOR PRO TEM, DEPUTY MAYOR PRO TEM AND ASSOCIATE MAYOR PRO TEM FOR A TERM OF ONE YEAR.

APPROVED

City Secretary Alicia Richardson informed City Council the item before them this evening is to select three members of council to serve as Mayor Pro Tem, Deputy Mayor Pro Tem and Associate Mayor Pro Tem for a term of one year. The City Charter provides for the powers and duties of the City Council and selection of the Mayor Pro Tem. The selection shall be made at the first regular meeting following the general city election. The Mayor Pro Tem shall, in the absence or disability of the Mayor, perform all the Mayor's duties. As a result of the COVID-19 pandemic, the City Council realized the need for two additional leadership positions on the City Council. On March 26, 2020 the City Council approved Ordinance No. 3642, amending the City Code of Ordinances, Rules of Procedure, to provide for the selection of a Deputy Mayor Pro Tem and Associate Mayor Pro Tem.

A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER COMPTON TO NOMINATE SCOTT TURNAGE TO SERVE AS MAYOR PRO TEM, TITO RODRIGUEZ TO SERVE AS DEPUTY MAYOR PRO TEM AND MASON ORR TO SERVE AS ASSOCIATE MAYOR PRO TEM FOR A TERM OF ONE YEAR.

MOTION TO APPROVE CARRIED 6-0.

EXECUTIVE SESSION

G. EXECUTIVE SESSION ITEMS - CITY COUNCIL MAY TAKE ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON THE REGULAR AGENDA

Mayor Trevino announced that City Council did not convene into Executive Session.

H. INFORMATION AND REPORTS - COUNCIL MEMBER COMPTON

H.1 ANNOUNCEMENTS

Council member Compton made the following announcements.

North Richland Hills City Hall, Municipal Court and the animal shelter reopened to the public today with normal business hours. All visitors are asked to wear a face covering for health and safety while inside our city buildings. To help keep our staff safe, employees will continue temperature checks at the start of each shift, enhanced sanitation protocols, social distancing and wearing of face coverings. Online, phone and email services remain available and residents are encouraged to continue to utilize them as much as possible. To limit in-person contact and gathering of groups, City Council Meetings, Planning & Zoning Commission Meetings and Municipal Court hearings will continue to be conducted via teleconference until further notice.

Kudos Korner - Chris Amarante and the Facilities Staff - A city department director emailed his appreciation to the facilities department for their around-the-clock deep cleaning in recent weeks. He wrote, "It's comforting to see them around City Hall hard at work. Many departments deserve recognition for their innovation, flexibility and adaptability at this time, but I want to make sure Facilities is also recognized."

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 7:20 p.m.

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary