

**MINUTES OF THE WORK SESSION AND REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS  
HELD IN THE CITY HALL, 4301 CITY POINT DRIVE  
AUGUST 14, 2017**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 14th day of August at 6:00 p.m. in the City Council Workroom prior to the 7:00 p.m. regular Council meeting.

|                |                      |                           |
|----------------|----------------------|---------------------------|
| Present:       | Oscar Trevino        | Mayor                     |
|                | Scott Turnage        | Mayor Pro Tem             |
|                | Tito Rodriguez       | Council, Place 1          |
|                | Rita Wright Oujesky  | Council, Place 2          |
|                | Tom Lombard          | Council, Place 3          |
|                | Mike Benton          | Council, Place 5          |
|                | Tim Welch            | Council, Place 7          |
| Absent:        | Tim Barth            | Council, Place 4          |
| Staff Members: | Mark Hindman         | City Manager              |
|                | Karen Bostic         | Assistant City Manager    |
|                | Paulette Hartman     | Assistant City Manager    |
|                | Jimmy Perdue         | Director of Public Safety |
|                | Mike Curtis          | Managing Director         |
|                | Alicia Richardson    | City Secretary            |
|                | Maleshia B. McGinnis | City Attorney             |

CALL TO ORDER

Mayor Trevino called the meeting to order at 6:01 p.m.

**1. DISCUSS ITEMS FROM REGULAR CITY COUNCIL MEETING.**

Mayor Trevino recommended that item F.4--purchase of two new modules from Spillman Technologies, Inc., a Motorola Solutions Company--be moved to the consent agenda.

There was no objection from Council.

**2. WELCOME AND INTRODUCTION - PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR CITIZEN.**

There was no one present at the meeting to introduce.

### **3. CODE COMPLIANCE STATUS REPORT AND DISCUSSION OF FENCING SURVEY.**

Director of Neighborhood Services Stefanie Martinez provided Council with an update on projects in the code compliance division. The department is charged with enforcing city ordinances and state statutes. The department addresses substandard structures, most recently the former Bennigan's structure has seen activity, which is being converted to a Sushi Axiom restaurant. The code division has four (4) officers that are assigned to specific quadrants of the city. One officer is assigned to inspect the main corridors of the city. As of July 2017, the department has addressed 1,024 cases:

- 34% high grass
- 31% nuisance
- 14% signs
- 11% vehicles
- 10% other (building, fence, landscaping, watering and zoning violations)

The city recently conducted a fence survey, and areas of immediate need are along Mid-Cities Boulevard and Rufe Snow Drive (backing to North Park Estates). Ms. Martinez informed Council the city has three ordinances that address fences in the city. The Code of Ordinances addresses fences in Chapters 34 (environment, public nuisance), 98 (building and building regulations, fence repair material), and 118 (zoning, screening and fencing standards). Staff recommends the fence standards be removed from Chapter 118 and incorporated into Chapter 98 to include minimum standards for fence materials, height, stain or paint and condition, and that Chapter 34 include a better description for severely deteriorated and plumb fences. Staff seeks direction from Council regarding minimum standards for fences.

Council discussed the information presented by staff.

### **4. DISCUSS TEXAS SENATE BILL NO. 1004 REGARDING THE INSTALLATION OF SMALL CELL NETWORK NODES IN THE PUBLIC RIGHTS-OF-WAY.**

City Attorney Maleshia McGinnis and Principal Planner Clayton Husband presented an overview of small cell antenna regulations that will require adoption by Council to address Senate Bill 1004. The bill provides wireless providers the right to utilize city public rights-of-way to install "network nodes" on city infrastructure without the need for a special use permit. The provider is allowed to construct, modify, maintain, operate, relocate or remove a network node or node support pole. The network nodes can be installed on city owned poles (street lights, traffic signal, directional sign, decorative pole, and utility pole). The bill will go into effect September 1, 2017. The city can regulate that providers must obtain a permit, charge an annual fee, and include height and size

August 14, 2017

City Council Meeting Minutes

Page 2 of 11

restrictions. The city's consent is required within residential, city park rights-of-way, and historic/design districts. The city may also adopt a design manual standard. The manual must be in place on the date the permit application is filed with the city. The design manual standard will include prohibited and least preferred locations within the city. The manual will also include order of preference in placement of small cell antennas; address the permitting process; standards on placement of wireless facility; new support poles; and equipment. Staff reviewed approval timelines as set out by the new legislation. Staff will bring forward two items at the August 28, 2017 City Council meeting to adopt an ordinance to address small cell antennas in the public rights-of-way and a design manual to implement standards governing appearance and location of small cell nodes.

## EXECUTIVE SESSION

Mayor Trevino announced at 6:45 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.072: Deliberate the purchase, exchange, lease or value of real property - (1) 6390 Iron Horse Boulevard, Lot 2R Block 6, Tapp Addition; (2) 8216 Jerrie Jo; and (3) 7301 Northeast Loop 820. Executive Session began at 6:48 p.m. and concluded at 6:58 p.m.

Mayor Trevino announced at 6:58 p.m. that Council would convene to the regular City Council meeting.

## REGULAR MEETING

### A. CALL TO ORDER

Mayor Trevino called the meeting to order August 14, 2017 at 7:00 p.m.

|          |                     |                  |
|----------|---------------------|------------------|
| Present: | Oscar Trevino       | Mayor            |
|          | Scott Turnage       | Mayor Pro Tem    |
|          | Tito Rodriguez      | Council, Place 1 |
|          | Rita Wright Oujesky | Council, Place 2 |
|          | Tom Lombard         | Council, Place 3 |
|          | Mike Benton         | Council, Place 5 |
|          | Tim Welch           | Council, Place 7 |

|         |           |                  |
|---------|-----------|------------------|
| Absent: | Tim Barth | Council, Place 4 |
|---------|-----------|------------------|

|                |                      |                |
|----------------|----------------------|----------------|
| Staff Members: | Mark Hindman         | City Manager   |
|                | Alicia Richardson    | City Secretary |
|                | Maleshia B. McGinnis | City Attorney  |

**A.1 INVOCATION**

Council member Wright Oujesky gave the invocation.

**A.2 PLEDGE**

Council member Wright Oujesky 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 REMOVAL OF ITEM(S) FROM CONSENT AGENDA**

No items were removed from the consent agenda.

**B. CONSIDER APPROVAL OF CONSENT AGENDA ITEMS**

**APPROVED THE CONSENT AGENDA**

**COUNCIL MEMBER WRIGHT OUJESKY MOVED, SECONDED BY MAYOR PRO TEM TURNAGE TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF ITEM F.4.**

**MOTION TO APPROVE CARRIED 6-0.**

**B.1 APPROVE MINUTES OF THE REGULAR JULY 24, 2017 CITY COUNCIL MEETING.**

**APPROVED**

**B.2 AUTHORIZE PAYMENT TO MOTOROLA SOLUTIONS, INC. FOR PUBLIC SAFETY RADIOS AND SOFTWARE IN THE AMOUNT OF \$59,267.34.**

**APPROVED**

**B.3 APPROVE RESOLUTION NO. 2017-030, ENDORSING COUNCIL MEMBER RODRIGUEZ'S APPLICATION TO THE NATIONAL LEAGUE OF CITIES BOARD.**

**APPROVED**

**F.4 AUTHORIZE THE PURCHASE OF TWO NEW MODULES FROM SPILLMAN TECHNOLOGIES, INC., A MOTOROLA SOLUTIONS COMPANY, IN THE AMOUNT OF \$58,910.**

**APPROVED**

**C. PUBLIC HEARINGS**

**C.1 RP 2017-08 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM KENNETH & KRISTY COLLINS AND JEFF & CHRISTIE TAYLOR FOR A REPLAT OF LOTS 6R1 AND 6R2, BLOCK 2, CREEKSIDE ESTATES ON 0.953 ACRES LOCATED IN THE 8700 BLOCK OF STEWART DRIVE.**

**APPROVED**

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

Mr. Comstock informed Council the applicant is requesting a replat of Lots 6R1 and 6R2, Block 2, Creekside Estates for the purpose of dividing the property into two lots for the construction of two single-family residences. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is R-1 single family residential. Mr. Comstock provided site photos of the property.

Applicant representative Kenneth Collins, 753 Catalpa Road, Saginaw, presented request and was available to answer questions from Council.

Mr. Comstock presented staff's report. The Planning and Zoning Commission, at their July 6, 2017 meeting, recommended approval with a vote of 4-0.

Mayor Trevino called for anyone wishing to speak for or against the request to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY MAYOR PRO TEM WELCH TO APPROVE RP 2017-08.**

**MOTION TO APPROVE CARRIED 6-0.**

**C.2 SUP 2017-04, ORDINANCE NO. 3469, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM JACOBS ENGINEERING FOR A SPECIAL USE PERMIT FOR A QUICK SERVICE RESTAURANT ON 1.279 ACRES LOCATED AT 5121 RUFÉ SNOW DRIVE AND 6665 NE LOOP 820.**

**DENIED**

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

Mr. Comstock informed Council the applicant is requesting a special use permit for the purposes of constructing a Whataburger on the northwest corner of Rufe Snow Drive and Northeast Loop 820. The area is designated on the Comprehensive Land Use Plan as retail and the current zoning is C-2 commercial. Mr. Comstock provided site photos of the property.

Applicant representatives Mike Husek with James Engineering located at 911 Central Parkway, San Antonio, and James Turcotte, Senior Vice President of Real Estate for Whataburger located in San Antonio presented request and was available to answer questions from Council. Mr. Turcotte commented that three of their stores in North Richland Hills are older and currently are not equipped to incorporate the new technology. He further commented that Whataburger was in the process of their project prior to adoption of the special use permit overlay. They would like to propose a design that will achieve the goals of the city for the northwest corner of Rufe Snow Drive and Northeast Loop 820. They are willing to work with staff to bring forward a product that is conducive to a sit-down style restaurant.

Mr. Eric Mangelsen, with Rossmore Enterprises located at 605 E. Main Street, Suite 7, Aspen, Colorado informed Council they own the property along with Applebee's and Chick-fil-A. The pad sites were purchased in 2013 and included a restriction against most full service sit down casual dining restaurants. He commented that they have been working with Whataburger for a few months.

Council had no questions for the applicant.

Mr. Comstock presented staff's report. The request for a special use permit is for a quick-service restaurant. In 2015, City Council amended the zoning ordinance to include a new land use type for quick service restaurants, more commonly referred to as a fast food restaurant. In 2017, City Council amended the zoning ordinance to require a special use permit for quick service restaurants in all zoning districts. Mr. Comstock reviewed the proposed landscape and site plan details. Mr. Comstock commented that staff has been in communication with the applicant to identify alternate locations. The applicant is requesting a variance to allow 30' width for drive through lanes. The

Development Review Committee recommends denial of the request. The Planning and Zoning Commission, at their July 20, 2017 meeting, recommended denial with a vote of 4-0.

In response to Council's question, Mr. Comstock commented that staff reviewed the deed restrictions and it includes specific language for american bar and grill style restaurants. It does not restrict other types of restaurants.

Mayor Trevino called for anyone wishing to speak for or against the request to come forward.

Mr. Vince (last name not provided), informed Council he sold the property to Mr. Mangelsen. He asked if the map outlined by staff with the green shaded areas would be open to Whataburger. Mayor Trevino informed the speaker that Council is considering the item before them this evening specifically for the northwest corner of Rufe Snow Drive and Northeast Loop 820. If the applicant wishes to they may bring forward a separate request at a new location for Council's consideration.

There being no one wishing to speak, Mayor Trevino closed the public hearing.

**A MOTION WAS MADE BY COUNCIL MEMBER TURNAGE, SECONDED BY COUNCIL MEMBER LOMBARD TO DENY ORDINANCE NO. 3469.**

**MOTION TO DENY CARRIED 6-0.**

**C.3 SDP 2017-03, ORDINANCE NO. 3470, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM BEATEN PATH DEVELOPMENT, LLC, FOR A SPECIAL DEVELOPMENT PLAN FOR IRON HORSE COMMONS PHASE 1 ON 8.305 ACRES LOCATED AT 6609 IRON HORSE BOULEVARD.**

**APPROVED**

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

Mr. Comstock informed Council the applicant is requesting approval of a revised special development plan to reduce the width of townhouse lots from 25 feet to 22 feet in Iron Horse Commons Phase 1. The area is designated on the Comprehensive Land Use Plan and currently zoned as transit oriented development. Mr. Comstock provided site photos of the property.

Applicant representative John Pitstick with Our Country Homes located at 700 West Harwood, Hurst, presented request and was available to answer questions.

Mr. Comstock presented staff's report. The Planning and Zoning Commission, at their August 3, 2017 meeting, recommended approval with a vote of 4-0-1, subject to developer constructing a direct sidewalk connection from the Cottonbelt Trail to the open space lot, provided the construction is permitted by DART. Mr. Comstock informed Council the condition of the Planning and Zoning Commission has been incorporated in the proposed ordinance.

Mayor Trevino called for anyone wishing to speak for or against the request to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

**A MOTION WAS MADE BY COUNCIL MEMBER WELCH, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ORDINANCE NO. 3470, WITH THE CONNECTION AS SPECIFIED ONTO DART PROPERTY.**

**MOTION TO APPROVE CARRIED 6-0.**

**D. PLANNING AND DEVELOPMENT**

**D.1 FP 2017-06 CONSIDERATION OF A REQUEST FROM 7047 BLVD 26, LLC, FOR A FINAL PLAT OF A.G. WALKER ADDITION, BLOCK 2, LOT 3, ON 1.07 ACRES LOCATED AT 7047 BOULEVARD 26.**

**APPROVED**

Mr. Comstock informed Council the applicant is requesting a final plat for 1.07 acres located at 7047 Boulevard 26 for the purpose of constructing a Burger King. The area is designated on the Comprehensive Land Use Plan as retail and the current zoning is RD-PD redevelopment planned development. Mr. Comstock presented site photos of the property.

Applicant representative Alejandro Orfanos with Sun Holdings located at 4055 Valley View Drive, Dallas presented request and was available to answer questions.

Mr. Comstock presented staff's report. The Planning and Zoning Commission, at their August 3, 2017 meeting, recommended approval with a vote of 5-0.

**A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE FP 2017-06.**

**MOTION TO APPROVE CARRIED 6-0.**



**E. PUBLIC WORKS**

There were no items for this category.

**F. GENERAL ITEMS**

**F.1 SETTING THE DATE FOR THE PUBLIC HEARING FOR THE CITY'S FY 2017/2018 PROPOSED BUDGET, THE PARK AND RECREATION FACILITIES DEVELOPMENT CORPORATION'S FY 2017/2018 PROPOSED BUDGET, AND THE CRIME CONTROL AND PREVENTION DISTRICT'S FY 2017/2018 PROPOSED BUDGET.**

**APPROVED**

Director of Budget and Research Robert Myers presented item. The City Council is being asked to set the public hearing dates for the proposed Fiscal Year 2017/2018 budgets for the Crime Control and Prevention District at 6:30 p.m., Park and Recreation Facilities Development Corporation at 6:40 p.m. and City at 7:00 p.m. The public hearings are planned for Monday, August 28, 2017. Following the public hearings, Council will consider the budgets on Monday, September 11, 2017.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER TURNAGE TO APPROVE ITEM F.1.**

**MOTION TO APPROVE CARRIED 6-0.**

**F.2 SETTING AUGUST 28, 2017 AND SEPTEMBER 6, 2017 AS THE DATES FOR THE TAX RATE PUBLIC HEARINGS AND VOTE ON PLACING THE TAX RATE ADOPTION ON THE AGENDA OF THE SEPTEMBER 11, 2017 CITY COUNCIL MEETING.**

**APPROVED**

Director of Budget and Research Robert Myers informed Council the item before them this evening is to set the public hearing dates for the tax rate and vote on placing the tax rate adoption on September 11, 2017. Staff proposes the tax rate public hearings be held on August 28 and September 6, 2017. Since the proposed tax rate exceeds the effective tax rate of \$0.575137, but not the rollback rate of \$0.593165 state law requires two public hearings on the tax rate. The proposed tax rate of \$0.59 per \$100 of taxable valuation is lower than the currently adopted tax rate of \$0.61. Staff also recommends that City Council place the vote on the tax rate on the September 11, 2017 City Council agenda.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ITEM F.2.**

**MOTION TO APPROVE CARRIED 6-0.**

**F.3 SETTING THE DATE FOR THE PUBLIC HEARINGS FOR THE CITY'S FY 2016/2017 REVISED BUDGET, THE PARK AND RECREATION FACILITIES DEVELOPMENT CORPORATION'S FY 2016/2017 REVISED BUDGET, THE CRIME CONTROL AND PREVENTION DISTRICT'S FY 2016/2017 REVISED BUDGET.**

**APPROVED**

Director of Budget and Research Robert Myers presented item. The City Council is being asked to set the public hearings for the revised Fiscal Year 2016/2017 budgets for the Crime Control and Prevention District at 6:30 p.m., Park and Recreation Facilities Development Corporation at 6:40 p.m. and City at 7:00 p.m. The public hearings are planned for Monday, August 28, 2017. Following the public hearings, Council will consider the budgets on Monday, September 11, 2017.

**A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER TURNAGE TO APPROVE ITEM F.3.**

**MOTION TO APPROVE CARRIED 6-0.**

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

**APPROVED**

Mayor Trevino announced that action is necessary as the result of discussion in Executive Session.

Director of Economic Development Craig Hulse informed Council the item before them this evening is to authorize the city manager to execute a contract for the sale of property located at 8216 Jerrie Jo Drive. The vacant property, approximately 9,147 square feet, was listed for sale in accordance with Section 253.014 of the Local Government Code. The city received multiple offers for consideration by the City Council.

**A MOTION WAS MADE BY COUNCIL MEMBER TURNAGE, SECONDED BY COUNCIL MEMBER BENTON TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE SALE OF PROPERTY AT 8216 JERRIE JO DRIVE WITH DARSONA ENTERPRISES INC. DBA ALLIANCE HOMES OR ASSIGNS IN THE AMOUNT OF \$31,000.**

**MOTION TO APPROVE CARRIED 6-0.**

## **H. INFORMATION AND REPORTS**

### **H.1 ANNOUNCEMENTS**

Mayor Pro Tem Turnage made the following announcements.

The North Richland Hills Animal Adoption & Rescue Center will join shelters across DFW for Clear the Shelters Day on Saturday, August 19. Pet adoption fees will be waived for this day only. The shelter will be open from 9:30 a.m. until 5:00 p.m., or until all animals have been adopted. Please call the shelter or visit the city's website for more information.

The NRH Library is hosting a blood drive on Monday, August 21, 2017 from 1:00 p.m. to 4:00 p.m. All donors will receive a free t-shirt. You can call the Library or visit their website for more information.

Kudos Korner - Cindy Dobbs, Carolyn Skinner and Xiomara Abad in the Water Office - A new resident expressed appreciation for the employees who helped her set up her water and garbage service. She said this is her first house and she was intimidated by all she had to do, but the staff in the water office put her at ease and made her feel much better. She was treated with respect, patience and kindness each time she called with questions and even when she came in at 4:55 p.m. to set up her account. She said she is happy to live in North Richland Hills and thankful for the great customer service that the city provides.

## **I. ADJOURNMENT**

Mayor Trevino adjourned the meeting at 8:09 p.m.

---

Oscar Trevino, Mayor

---

Alicia Richardson, City Secretary