

**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
OCTOBER 23, 2023**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 23rd day of October at 6:00 p.m. in the Council Workroom prior to the 7:00 p.m. regular Council meeting.

Present:	Oscar Trevino	Mayor
	Tito Rodriguez	Place 1
	Suzy Compton	Place 3
	Mason Orr	Place 4
	Blake Vaughn	Associate Mayor Pro Tem, Place 5
	Scott Turnage	Deputy Mayor Pro Tem, Place 6
	Kelvin Deupree	Mayor Pro Tem, Place 7
Absent:	Rita Wright Oujesky	Place 2
Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Karen Manila	Assistant City Manager
	Caroline Waggoner	Assistant City Manager
	Alicia Richardson	City Secretary/Chief Governance Officer
	Maleshia B. McGinnis	City Attorney

CALL TO ORDER

Mayor Trevino called the meeting to order at 6:06 p.m.

1. DISCUSS ITEMS FROM REGULAR CITY COUNCIL MEETING.

City Council had no questions for staff.

City Manager Mark Hindman informed City Council that staff recommends no action be taken on item E.5, RFP 23-024, water meter installation services to Vanguard Utility Service.

2. DISCUSSION OF POSSIBLE REVISION TO CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES TO ADD THE RE (RESIDENTIAL ESTATE) ZONING DISTRICT.

Director of Planning Clayton Comstock provided an overview of the new residential estate land use designation adopted by the Vision2030 Land Use Plan. The designation is the result of discussion by staff, citizens, and City Council to provide a transition adjacent to estate lots (Little Ranch Road, Meadow Creek Road, Meadow Road, Douglas Lane and north of Bursey Road around Valley Drive and Continental Trail). The residential estate land use provides an option for transitional properties between lower-density and higher-density single-family lots. Characteristics of the zoning district include less than two dwelling units/acre, large lots, estate style fencing, rural street design and barns and livestock. City Council directed staff to create a new zoning district for residential estate with a minimum lot area of 20,000 square feet.

FUTURE AGENDA ITEM(S)

There were no items presented for this category.

EXECUTIVE SESSION

1. SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY - 6701 DAVIS BOULEVARD

Mayor Trevino announced at 6:14 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 - 6701 Davis Boulevard. Executive Session began at 6:18 p.m. and concluded at 6:32 p.m.

Mayor Trevino announced at 6:32 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 at 7:00 p.m.

Present:	Oscar Trevino	Mayor
	Tito Rodriguez	Place 1
	Rita Wright Oujesky	Place 2
	Suzy Compton	Place 3
	Mason Orr	Place 4
	Blake Vaughn	Associate Mayor Pro Tem, Place 5

Scott Turnage
Kelvin Deupree

Deputy Mayor Pro Tem, Place 6
Mayor Pro Tem, Place 7

Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Karen Manila	Assistant City Manager
	Caroline Waggoner	Assistant City Manager
	Alicia Richardson	City Secretary/Chief Governance Officer
	Maleshia B. McGinnis	City Attorney

A.1 INVOCATION

Deputy Mayor Pro Tem Turnage gave the invocation.

A.2 PLEDGE

Deputy Mayor Pro Tem Turnage 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

Ms. Holly Gardner, 7624 Terry Drive, provided an overview of her research on avian influenza.

Mr. Matt Reed, 5145 Gentling Place, asked City Council to consider the following recommendations to staff's proposed ordinance addressing backyard chickens - (1) 30 foot distance from adjacent homes; (2) chicken coops defined as temporary accessory structure with three-foot to a maximum of five-foot setback; (3) flexible fencing required only for exercise yard; (4) no minimum single-family property size; (5) number of chickens allowed scaled by property size; and (6) similar permit process as dogs/cats and site visits only in the event of a complaint.

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 WRIGHT OUESKY TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 7-0.

B.1 APPROVE MINUTES OF THE OCTOBER 9, 2023 REGULAR CITY COUNCIL MEETING.

B.2 PLAT23-0048 CONSIDERATION OF A REQUEST FROM CONVERGENCE CAPITAL FOR A FINAL PLAT OF BERRY CREEK VILLAGE PHASE 2, BEING 4.302 ACRES LOCATED IN THE 9000 BLOCK OF MID-CITIES BOULEVARD.

B.3 AUTHORIZE PURCHASE OF FITNESS EQUIPMENT FOR THE NRH CENTRE FROM ADVANCED EXERCISE IN THE AMOUNT OF \$118,511.05, BUY BOARD CONTRACT NO. 665-22.

C. PUBLIC HEARINGS

C.1 ZC23-0061, ORDINANCE NO. 3820, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM PHARAOH INC. FOR A SPECIAL USE PERMIT FOR A NON-TRADITIONAL SMOKING BUSINESS AT 7653 BOULEVARD 26, BEING 2.8 ACRES DESCRIBED AS LOT 6, BLOCK 1, NORTH HILLS VILLAGE.

DENIED

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 2.8 acres located at 7653 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 Alberto Lorenzo, 1822 Silverwood Lane, Plano Texas was present on behalf of Pharaoh CEO Ali Al-Moradi.

Mr. Comstock presented staff's report. He informed City Council that the special use permit is associated with the land use and is not tied to the tenant or business. The Development Review Committee noted two conditions for approval - (1) replace any

non-conforming walk pack and flood light fixtures with confirming fixtures and (2) enclosures for all refuse containers on the lot. The Planning and Zoning Commission, at their October 19, 2023 meeting, recommended denial with a vote of 4-2. The applicant has appealed the decision of the Planning and Zoning Commission to the City Council.

Mayor Trevino asked if there was anyone in the audience wishing to speak on the item to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER COMPTON TO DENY ORDINANCE NO. 3820.

MOTION TO DENY CARRIED 7-0.

C.2 ZC23-0079, ORDINANCE NO. 3821, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM ERIC CURTIS FOR A REVISION TO A RD-PD (REDEVELOPMENT PLANNED DEVELOPMENT) AT 8300 STARNES ROAD, BEING 0.54 ACRES DESCRIBED AS LOT AR2, BLOCK 2, CRESTWOOD ESTATES ADDITION.

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 revision to a redevelopment planned development for 0.54 acres located at 8300 Starnes Road. The area is designated on the Comprehensive Land Use Plan as retail commercial and the current zoning is RD-PD, redevelopment planned development. Mr. Comstock provided site photos of the property.

Applicant Eric Curtis, 8300 Starnes Road, owner of Urban Fire House is requesting the expiration date of the conditional use for the event center be removed from the zoning standards. He provided an overview of the events hosted at the venue since their opening in 2019. Gateway Church has allowed Urban Fire House to utilize their parking lot and they utilize off-duty North Richland Hills police officers to provide pedestrian assistance to cross the street. Mr. Curtis stated that they have a parking agreement with Gateway Church through November 30, 2025.

Mr. Comstock presented staff's report. City Council originally approved the RD-PD in February 2018, and it was amended in May 2019 to allow the event center use. The event center use was approved as a conditional use for a two-year period and allowed the property owner to seek approval to continue the event center on a temporary or

permanent basis. The applicant is requesting to change the conditional approval to a permanent use. The Planning and Zoning Commission, at their October 5, 2023 meeting, recommended approval with a vote of 5-0.

Mayor Trevino asked if there was anyone in the audience wishing to speak on the item to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE ORDINANCE NO. 3821, AND TO REMOVE THE TEMPORARY STATUS OF THE EVENT CENTER AND MAKE IT PERMANENT.

MOTION TO APPROVE CARRIED 7-0.

C.3 ZC23-0081, ORDINANCE NO. 3822, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM KIMLEY HORN AND ASSOCIATES FOR A SPECIAL DEVELOPMENT PLAN FOR A NEW SMITHFIELD MASONIC LODGE BUILDING AT 6820-6828 MICKEY COURT, BEING 0.82 ACRES DESCRIBED AS LOTS 13-15, BLOCK 3, WE ODELL ADDITION (CONTINUED FROM THE OCTOBER 9, 2023, CITY COUNCIL MEETING).

APPROVED

Mayor Trevino announced that the public hearing for this item was opened at the October 9, 2023 City Council meeting. He called on Director of Planning Clayton Comstock to introduce the item.

Mr. Comstock informed City Council the applicant is requesting a special development plan for 0.82 acres located at 6820-6828 Mickey Court. The area is designated on the Comprehensive Land Use Plan as urban village and the current zoning is transit oriented development. Mr. Comstock provided site photos of the property.

Mr. Josh Eames with Presidium, located at 3100 McKinnon, Suite 250, Dallas, Texas presented the request. In June 2023, the City Council approved Presidium's mixed-use development located to the south of this property. The development included commercial buildings on the north side of Main Street. The Masonic Lodge is currently located on Main Street and Presidium proposed to construct a new building for the Masonic Lodge.

Mr. Comstock presented staff's report. The applicant seeks the following waivers from the transit oriented development (1) masonry screening wall; (2) monument sign; (3) building frontage/placement; (4) building architecture-glazing; (5) building architecture-entrance orientation; and (6) building architecture-ceiling height. The Planning and Zoning

Commission, at their October 19, 2023 meeting, recommended approval with a vote of 5-1.

Mayor Trevino asked if there was anyone in the audience wishing to speak on the item to come forward.

Ms. Deborah Turnage, 7015 Douglas Lane, asked why Mickey Court is designated as a thoroughfare.

Mr. Brandon Arnold, 6402 Kenshire Court, Colleyville, Texas was present to represent Smithfield Masonic Lodge. He spoke in support of the request.

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

A MOTION WAS MADE BY DEPUTY MAYOR PRO TEM TURNAGE, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ORDINANCE NO. 3822.

MOTION TO APPROVE CARRIED 7-0.

C.4 CONDUCT A PUBLIC HEARING AND APPROVE ORDINANCE NO. 3823, AMENDING THE FISCAL YEAR 2023-2024 ADOPTED CAPITAL IMPROVEMENT BUDGET.

APPROVED

Mayor Trevino opened the public hearing and called on Director of Budget and Research Trudy Lewis to introduce the item.

Ms. Lewis stated that a public hearing is required for proposed amendments to the Fiscal Year 2023-2024 Adopted Capital Improvement Budget. The amendment includes additional funding for an existing project (Glenview Drive East reconstruction, ST2006) in an amount not to exceed \$1,858,500. The additional funds are from Tarrant County's 2021 Transportation Bond Program.

Mayor Trevino asked if there was anyone in the audience wishing to speak on the item to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER ORR TO APPROVE ORDINANCE NO. 3823.

MOTION TO APPROVE CARRIED 7-0.

D. PLANNING AND DEVELOPMENT

There were no items for this category.

E. PUBLIC WORKS

E.1 APPROVE RESOLUTION NO. 2023-080, APPROVING AN ADVANCE FUNDING AGREEMENT WITH TXDOT RELATING TO THE SMITHFIELD MIDDLE SCHOOL SAFE ROUTES TO SCHOOL PROGRAM (SD2404); TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM (TASA); PROJECT CSJ 0902-90-292 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

APPROVED

City Engineer Nathan Frohman presented the item. Staff recommends City Council approve Resolution No. 2023-080, approving an advance funding agreement with the Texas Department of Transportation for the Smithfield Middle School Safe Routes to School Program project.

A MOTION WAS MADE BY COUNCIL MEMBER RODRIGUEZ, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVE RESOLUTION NO. 2023-080.

MOTION TO APPROVE CARRIED 7-0.

E.2 CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH IN AN AMOUNT NOT TO EXCEED \$432,400 FOR THE LEAD AND COPPER SERVICE LINE ASSESSMENT PROJECT (UT2302).

APPROVED

Assistant Director of Public Works Boe Blankenship presented the item. Staff recommends City Council approve a professional services agreement with CDM Smith for the lead and copper service line assessment project.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY DEPUTY MAYOR PRO TEM TURNAGE TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH IN AN AMOUNT NOT TO EXCEED \$432,400 FOR THE LEAD AND COPPER SERVICE LINE ASSESSMENT PROJECT.

MOTION TO APPROVE CARRIED 7-0.

E.3 AWARD RFB 23-026 TO RELIABLE PAVING, INC., FOR CONSTRUCTION OF THE GLENVIEW DRIVE EAST PROJECT (ST2006) IN THE AMOUNT OF \$5,147,806.20, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED CONSTRUCTION AGREEMENT.

APPROVED

Mayor Trevino announced that Deputy Mayor Pro Tem Turnage has a conflict of interest and would abstain from discussion and voting on the item. Deputy Mayor Pro Tem Turnage filed an affidavit of disqualification with the City Secretary stating that his company has a business relationship with the Reliable Paving, Inc. Deputy Mayor Pro Tem Turnage left the room at 8:07 p.m.

City Engineer Nathan Frohman presented the item. Staff recommends City Council award the bid to Reliable Paving, Inc. for the Glenview Drive East project (ST2006) and authorize the City Manager to execute the construction agreement.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER COMPTON TO AWARD RFB 23-026 TO RELIABLE PAVING, INC., FOR CONSTRUCTION OF THE GLENVIEW DRIVE EAST PROJECT (ST2006) IN THE AMOUNT OF \$5,147,806.20, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED CONSTRUCTION AGREEMENT.

MOTION TO APPROVE CARRIED 6-0-1, WITH DEPUTY MAYOR PRO TEM TURNAGE ABSTAINING.

E.4 AWARD RFB 23-027 TO QUALITY EXCAVATION, LLC, FOR CONSTRUCTION OF THE GLENVIEW DRIVE WEST PROJECT (ST2110) IN THE AMOUNT OF \$4,936,602.00, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED CONSTRUCTION AGREEMENT.

APPROVED

City Engineer Nathan Frohman presented the item. Staff recommends City Council award the bid to Quality Excavation, LLC, and authorize the city manager to execute the construction agreement.

Deputy Mayor Pro Tem Turnage returned to the meeting at 8:11 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER RODRIGUEZ, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO AWARD RFB 23-027 TO QUALITY EXCAVATION, LLC.

MOTION TO APPROVE CARRIED 7-0.

E.5 AWARD RFP 23-024 FOR WATER METER INSTALLATION SERVICES TO VANGUARD UTILITY SERVICE, INC. IN AN AMOUNT NOT TO EXCEED \$1,741,989.29.

No action was taken on this item.

F. GENERAL ITEMS

F.1 CONSIDER RESOLUTION NO. 2023-081, APPOINTING A MEMBER TO THE TEEN COURT ADVISORY BOARD.

APPROVED

City Secretary/Chief Governance Officer Alicia Richardson stated that the item before them this evening is to take action on Mayor Pro Tem Deupree's recommendation to appoint a member to the Teen Court Advisory Board. City staff received Diana Goodwin's resignation from Place 7 on the Board. Mayor Pro Tem Deupree recommends the appointment of Amanda Roach to fulfill the remainder of the term expiring June 30, 2025.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY MAYOR PRO TEM DEUPREE TO APPROVE RESOLUTION NO. 2023-081.

MOTION TO APPROVE CARRIED 7-0.

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 there was action necessary as the result of discussion in Executive Session pursuant to Section 551.072: Deliberate the purchase, exchange, lease or value of real property - 6701 Davis Boulevard.

Director of Economic Development Craig Hulse presented the item. The City and PG Investco, LLC are under contract for 9.405 acres of land. Due to certain obligations for the seller and buyer, it is necessary to amend the purchase and sale agreement. Staff

recommends City Council authorize the city manager to execute a second amendment to the purchase and sale agreement with PG Investco, LLC.

A MOTION WAS MADE BY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER COMPTON TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT AND EXECUTE ANY NECESSARY AND RELATED DOCUMENTS WITH PG INVESTCO, LLC FOR 9.405 ACRES AT LOT 1, BLOCK 3, SMITHFIELD ADDITION.

MOTION TO APPROVE CARRIED 7-0.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Council member Orr made the following announcements.

Get a jump start on your holiday shopping at the NRH Senior Center's annual Arts & Crafts Fair this Wednesday and Thursday in the Grand Hall at NRH Centre. More than 60 local crafters will be participating. Visit the city's website or call the Senior Center for more details.

Please join us on Friday, November 10, 2023 for a Veterans Day Celebration honoring all who have served in our armed forces. The event will begin at 11:00 a.m. in the outdoor plaza at City Hall. Visit the city's website or contact the Parks Department for more information.

Early voting for the November 7, 2023 election started today and continues through Friday, November 3, 2023. Nearby polling locations include City Point United Methodist Church, the former Bursey Road Senior Center, and the Northeast Tarrant County Courthouse. You can find more information on the Tarrant County Elections website.

Kudos Korner - Cindy Garvin, Rudy Martinez and Dena Pierson in Planning & Development - A business owner emailed his appreciation for the staff who assisted him with building permits: "I work with building departments all over the country and everyone in y'all's office is always so helpful and prompt," he said. Keep up the great work!

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 8:19 p.m.

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer