

**MINUTES OF THE CITY COUNCIL OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
HELD IN THE CITY HALL 4301 CITY POINT DRIVE
JUNE 13, 2022**

REGULAR MEETING

A. CALL TO ORDER

Mayor Pro Tem Rodriguez called the meeting to order June 13, 2022 at 7:01 p.m.

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

A.1 INVOCATION

Deputy Mayor Pro Tem Deupree gave the invocation.

A.2 PLEDGE

Deputy Mayor Pro Tem Deupree 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

Mr. John Schleeter, 6553 Northern Dancer Drive, shared that he is the president of the

Iron Horse Commons Homeowner Association. He previously visited City Council to bring to their attention issues with the developer for their community regarding the common areas. The developer has committed to reimburse the homeowner association for some of the repairs. Mr. Schleeter expressed his concern for future homeowner associations and asked City Council if they can assist future homeowner associations to ensure developers turn over common areas that are not in need of repair.

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 ASSOCIATE MAYOR PRO TEM TURNAGE, SECONDED BY COUNCIL MEMBER ORR TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 6-0.

B.1 APPROVE MINUTES OF THE MAY 18, 2022 REGULAR CITY COUNCIL MEETING.

B.2 PLAT22-0019 CONSIDERATION OF A REQUEST FROM ROBERT NORDYKE FOR A FINAL PLAT OF LOT 1, BLOCK 1, NORDYKE ESTATES, BEING 1.25 ACRES LOCATED AT 6613 HARMONSON ROAD.

B.3 PLAT22-0020 CONSIDERATION OF A REQUEST FROM GEONAV LLC FOR A REPLAT OF LOTS 3R1 AND 3R2, BLOCK 1, D.J. ANDERSON ADDITION, BEING 1.686 ACRES LOCATED AT 8517 DAVIS BOULEVARD.

B.4 CONSIDER RESOLUTION NO. 2022-024, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE FY2022 COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM.

B.5 CONSIDER RESOLUTION NO. 2022-025, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE FY2022 COPS IMPLEMENTING CRISIS INTERVENTION TEAMS - COMMUNITY POLICING DEVELOPMENT GRANT FOR A MENTAL HEALTH COORDINATOR POSITION.

C. PUBLIC HEARINGS

C.1 ZC22-0022, ORDINANCE NO. 3739, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM CAPITAL REAL ESTATE INC. TO REVISE THE PD (PLANNED DEVELOPMENT) FOR 8521 DAVIS BOULEVARD, BEING 2.09 ACRES DESCRIBED AS LOT 4, BLOCK 1, D.J. ANDERSON ADDITION.

APPROVED

Mayor Pro Tem Rodriguez 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 to revise the existing planned development for 2.09 acres located at 8521 Davis Boulevard to add child-care center as a permitted use. The area is designated on the Comprehensive Land Use Plan as commercial and the current zoning is planned development. Mr. Comstock provided site photos of the property.

Applicant representative Allison Morgan, 60 South Sixth Street, Minneapolis, Minnesota, presented the request. Capital Real Estate Inc. is a commercial real estate company that construct new buildings or purchase existing buildings and lease to long-term tenants. They have a relationship with Children's Courtyard and this new location would be in addition to their locations at 7515 Smithfield Road and 600 Mid-Cities Boulevard in Hurst. Children's Courtyard anticipates enrollment of 200 students or as permitted by local licensing. The hours of operation will be 6:30 a.m. - 6:30 p.m. and the age range of students is six weeks to 12 years old. Ms. Morgan said no improvements are proposed for the existing building. They will fill in the pool, which will be come a grass space area. The perimeter concrete of the pool and pool shed structure would remain, as well as three sides of the pool ornamental fencing. The anticipated opening will be in the fourth quarter of 2022.

In response to Council member Wright Oujesky's question regarding the pool, Ms. Morgan stated that she engaged a contractor to work with the building department. The contractor will perforate the bottom of the pool to drain the water and fill the pool with earth/dirt and landscape.

Mr. Comstock presented staff's report. The existing site has a 14,000 square foot

building and the previous planned development was approved in 2013 with a base zoning of office and primary use for a private school with less than 100 students. The proposed revision is to add a child-care as a permitted use and to remove the swimming pool and some of the adjacent fencing. The pool will be perforated to drain and the pool will be filled with earth and topped off with sod. There will be a concrete sidewalk around the grass area. The fence that faces the building will be removed and the rest will remain. The Planning and Zoning Commission, at their May 19, 2022 meeting, recommended approval with a vote of 5-0.

Council member Orr asked staff to address the ability for adjacent businesses to sell alcohol next to a child-care facility. Mr. Comstock commented that the question was asked at the Planning and Zoning Commission meeting. In particular, the alcohol sales from Starwood Cafe or potential restaurant in front of the child-care facility. The Texas Alcoholic Beverage Code has a specific exemption for private school with less than 100 students that allows a business to sell alcohol if they have a food and beverage certificate. Mr. Comstock commented that the Texas Alcoholic Beverage Code has an exemption for child-care facilities and as long as the business has a food and beverage permit they can sell alcohol. A bar, brewpub, private club and beer/wine store would not be able to sell alcohol.

City Attorney Maleshia McGinnis informed City Council her office is reviewing the exemptions for alcohol sales adjacent to a child-care facility and have not reached a determination.

Council member Wright Oujesky inquired about landscaping and lighting for the property. Mr. Comstock informed City Council the landscape plan was approved in 2013. City staff, prior to issuing a certificate of occupancy, will inspect the property to ensure the landscaping is in compliance with the 2013 approved landscape plan. The city has not received any complaints for this property regarding noise or lighting.

Mayor Pro Tem Rodriguez asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Pro Tem Rodriguez 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 Pro Tem Rodriguez closed the public hearing.

A MOTION WAS MADE BY DEPUTY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE ORDINANCE NO. 3739.

MOTION TO APPROVE CARRIED 6-0.

C.2 ZC22-0025, ORDINANCE NO. 3740 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM FRANCISCO AND MELINDA ZAGAL FOR A ZONING CHANGE FROM AG (AGRICULTURAL) TO R-2 (SINGLE-FAMILY RESIDENTIAL) AT 8408 FRANKLIN COURT, BEING 0.23 ACRES DESCRIBED AS LOT 13, THOMAS PECK SUBDIVISION.

APPROVED

Mayor Pro Tem Rodriguez 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 zoning change for 0.23 acres located at 8408 Franklin Court. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is agricultural. Mr. Comstock provided site photos of the property.

Applicants Francisco and Melinda Zagal, 8408 Franklin Court, presented the item. Mr. Zagal said they are requesting a zoning change to build a new single-family home.

Mr. Comstock presented staff's report. To date, eight lots have been rezoned R-2 and 11 lots are zoned agricultural on Franklin Court. The Planning and Zoning Commission, at their May 19, 2022 meeting, recommended approval with a vote of 5-0.

Council member Orr asked Mr. Comstock if it is customary for the property owner to be responsible for installing water and sanitary sewer taps and associated impact fees. Mr. Comstock informed City Council it is customary for the property owner to be responsible for any water taps, sanitary sewer taps, and impact fees.

Mayor Pro Tem Rodriguez asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Pro Tem Rodriguez 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 Pro Tem Rodriguez closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY ASSOCIATE MAYOR PRO TEM TURNAGE TO APPROVE ORDINANCE NO. 3740.

MOTION TO APPROVE CARRIED 6-0.

C.3 ZC22-0026, ORDINANCE NO. 3741, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM SCOTT WOOD FOR A ZONING CHANGE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-1-S (SPECIAL SINGLE-FAMILY) AT 8104 GREEN VALLEY DRIVE, BEING 1.99 ACRES DESCRIBED AS LOT 2, COLLEGE ACRES ADDITION.

APPROVED

Mayor Pro Tem Rodriguez opened the public hearing and called on Director of Planning Clayton Comstock to introduce the item and companion item D.1.

Mr. Comstock informed City Council the applicant is requesting a zoning change for 1.99 acres located at 8104 Green Valley Drive. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is R-3 single-family residential. Mr. Comstock provided site photos of the property. Companion item, Plat22-0018 requests approval of a replat of Lots 2R and 3R, Block 1, College Acres Addition for 4.004 acres located at 8100 and 8104 Green Valley Drive.

Applicant Scott Wood, 8100 Green Valley Drive, shared that he owns both properties and seeks to make a one-acre lot and a three-acre lot. He plans to sell the one-acre lot to his brother.

Mr. Comstock presented staff's report. The request is to rezone the property located at 8104 Green Valley Drive from R-3 to R-1-S. The plat associated with this property incorporates the southern portion of Lot 2 (8104 Green Valley Drive) into Lot 3 (8100 Green Valley Drive). The remaining portion of Lot 3 would be platted as a separate one-acre lot. The Planning and Zoning Commission, at their May 19, 2022 meeting, recommended approval of the zoning change with a vote of 5-0. The Planning and Zoning Commission also approved Plat22-0018, with the conditions outlined in the Development Review Committee comments. The applicant revised the plat to address all conditions.

Mayor Pro Tem Rodriguez asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Pro Tem Rodriguez 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 Pro Tem Rodriguez closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY DEPUTY MAYOR PRO TEM DEUPREE TO APPROVE ORDINANCE NO. 3741.

MOTION TO APPROVE CARRIED 6-0.

D. PLANNING AND DEVELOPMENT

- D.1 PLAT22-0018 CONSIDERATION OF A REQUEST FROM SCOTT WOOD FOR A REPLAT OF LOTS 2R AND 3R, BLOCK 1, COLLEGE ACRES ADDITION, BEING 4.004 ACRES LOCATED AT 8100 AND 8104 GREEN VALLEY DRIVE.**

APPROVED

This item was presented in conjunction with item C.3.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY ASSOCIATE MAYOR PRO TEM TURNAGE TO APPROVE PLAT22-0018, SUBJECT TO APPROVAL OF THE ZONING CHANGE APPLICATION OUTLINED IN CASE ZC22-0026.

MOTION TO APPROVE CARRIED 6-0.

E. PUBLIC WORKS

There were no items for this category.

F. GENERAL ITEMS

- F.1 CONSIDER RESOLUTION NO. 2022-023, AUTHORIZING A SUSPENSION OF THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY'S REQUEST TO INCREASE RATES.**

APPROVED

Assistant City Manager Karen Manila presented the item. Oncor Electric Delivery Company filed an application with cities to increase system-wide transmission and distribution rates by \$251 million or approximately 4.5% over present revenues. Oncor asked the city to approve an 11.2% increase in residential rates and a 1.06% increase in street lighting rates. If approved, residents would see an increase of \$6.02/month. Resolution No. 2022-023, suspends the June 17, 2022 effective date and allows the Steering Committee of Cities served by Oncor to evaluate the filing and determine further recourse. Ms. Manila stated that this is the first comprehensive rate increase since 2017.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER ORR TO APPROVE RESOLUTION NO. 2022-023.

MOTION TO APPROVE CARRIED 6-0.

F.2 CONSIDER RESOLUTION NO. 2022-026, APPOINTING MEMBERS TO THE PLANNING AND ZONING COMMISSION AND CAPITAL IMPROVEMENT ADVISORY COMMITTEE.

APPROVED

City Secretary/Chief Governance Officer Alicia Richardson presented the item. The city is in receipt of Gregory Hoffa's resignation from Place 6 on the Planning and Zoning Commission and Capital Improvement Advisory Committee. Associate Mayor Pro Tem Turnage recommends the current ex-officio Anthony Bridges be appointed to Place 6 on the Commission, term expiring June 30, 2022. This creates a vacancy in the ex-officio position and Mayor Trevino recommends the appointment of Jared Ross to fulfill the vacancy, term expiring June 30, 2022.

A MOTION WAS MADE BY ASSOCIATE MAYOR PRO TEM TURNAGE, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVE RESOLUTION NO. 2022-026.

MOTION TO APPROVE CARRIED 6-0.

F.3 ACCEPT PUBLIC OFFICIAL'S RESIGNATION FROM CITY COUNCIL PLACE 5.

APPROVED

City Secretary/Chief Governance Officer Alicia Richardson presented the item. The city is in receipt of Patrick Faram's resignation from City Council Place 5. Pursuant to Texas Election Code, Title 12, Chapter 201, the City Council is the authority to act on a public official's resignation. The resignation creates a vacancy on City Council that will be filled by a special election on November 8, 2022. An item will be placed on a future meeting to order a special election to fulfill the vacancy for the office expiring May 6, 2023, or until a successor has been duly elected and qualified for the office.

A MOTION WAS MADE BY DEPUTY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO ACCEPT PUBLIC OFFICIAL PATRICK FARAM'S RESIGNATION FROM CITY COUNCIL PLACE 5.

MOTION TO APPROVE CARRIED 6-0.

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

Mayor Pro Tem Rodriguez announced that City Council did not convene into Executive

Session.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Associate Mayor Pro Tem Turnage made the following announcements.

Join us in welcoming New York Times bestselling author Candice Millard to the NRH Library this Tuesday. Ms. Millard will speak about her latest book, River of the Gods, starting at 7:00 p.m. Admission is free. Her speaking engagement will be followed by a book signing. Please contact the library for more information.

Want to learn the best techniques for saving water? Keep NRH Beautiful and the Tarrant Regional Water District invite you to attend a free online class on Thursday, June 23, starting at 6:00 p.m. The 45-minute class will teach you how to set up your landscape to need less water. Visit the city's website to sign up and get more information.

Kudos Korner - Jason Fitzwater and David Connor in the Facilities Department - On a recent Friday evening, Jason and David were dispatched after hours to a water emergency at a city facility. Water was leaking into multiple rooms and initial thoughts were a water pipe had broken. Upon investigating, it was determined rainwater was being sucked into the HVAC units and pushed into the facility. After determining the source of the infiltration, Jason and David stayed to help clean up the water. Thanks to their quick response, damage to the facility was minimized. Their actions reflect the city's core values of responsibility, service and teamwork and are a testament to the caliber of staff in the Facilities Department.

I. ADJOURNMENT

Mayor Pro Tem Rodriguez adjourned the meeting at 7:48 p.m.

Tito Rodriguez, Mayor Pro Tem

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

