

**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
JUNE 4, 2018**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 4th day of June at 6:00 p.m. in the City Council Workroom prior to the 7:00 p.m. regular Council meeting.

Present:	Oscar Trevino	Mayor
	Mike Benton	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tom Lombard	Council, Place 3
	Tim Barth	Council, Place 4
	Scott Turnage	Council, Place 6
	Tim Welch	Council, Place 7
Staff Members:	Mark Hindman	City Manager
	Karen Bostic	Assistant City Manager
	Paulette Hartman	Assistant City Manager
	Jimmy Perdue	Director of Public Safety
	Alicia Richardson	City Secretary
	Maleshia B. McGinnis	City Attorney

CALL TO ORDER

Mayor Trevino called the meeting to order at 6:00 p.m.

1. DISCUSS ITEMS FROM REGULAR COUNCIL MEETING.

Mayor Trevino asked Planning Manager Clayton Comstock to explain the highlighted areas (Lots 2A-R2, 2A-R1, 2-R1, and 2-R2) illustrated on exhibit for item C.2-RP 2018-02.

Mr. Comstock informed Council the highlighted areas of the four lots located in the northwest corner of the property indicate existing utility easements that will be abandoned with approval of the replat.

City Secretary Alicia Richardson informed Council the minutes of the May 21, 2018 City

Council meeting listed an incorrect adjournment time. The correct time is 7:21 p.m. The City Council has the option to remove the consideration of minutes from the consent agenda and take separate action or approve the consent agenda with correction to the adjournment time.

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

There was no one present to introduce at the meeting.

EXECUTIVE SESSION

SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY - (1) 5100 KAREN, (2) 5101 CUMMINGS, (3) 7301 NE LOOP 820, (4) 9000 HAWK, (5) 9111 HAWK, (6) 6020 WALKER BOULEVARD, AND (7) 7901 BOULEVARD 26

SECTION 551.087: DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS - (1) 9111 HAWK AVENUE AND (2) 6020 WALKER BOULEVARD

Mayor Trevino announced at 6:03 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551 of Texas Government Code, specifically Section 551.072: Deliberate the purchase, exchange, lease or value of real property - (1) 5100 Karen (2) 5101 Cummings (3) 7301 NE Loop 820 (4) 9000 Hawk Avenue (5) 9111 Hawk Avenue (6) 6020 Walker Boulevard and (7) 7901 Boulevard 26; and Section 551.087: Deliberate regarding economic development negotiations - (1) 9111 Hawk Avenue and (2) 6020 Walker Boulevard. Executive Session began at 6:08 p.m. and concluded at 6:42 p.m.

Mayor Trevino announced at 6:42 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 June 4, 2018 at 7:00 p.m.

Present:	Oscar Trevino	Mayor
	Mike Benton	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tom Lombard	Council, Place 3

Tim Barth	Council, Place 4
Scott Turnage	Council, Place 6
Tim Welch	Council, Place 7

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

A.1 INVOCATION

Council member Turnage gave the invocation.

A.2 PLEDGE

Council member 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

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

A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY MAYOR PRO TEM TURNAGE TO APPROVE THE CONSENT AGENDA WITH CORRECTION TO THE MAY 21, 2018 MINUTES TO REFLECT THE MEETING ADJOURNED AT 7:21 P.M.

MOTION TO APPROVE CARRIED 7-0.

B.1 APPROVE MINUTES OF THE REGULAR MAY 21, 2018 CITY COUNCIL MEETING.

- B.2 AP 2018-02 CONSIDERATION OF A REQUEST FROM SAFEWAY CONSULTING AND CONTRACTING, LLC, FOR AN AMENDED PLAT OF LOT 1R, BLOCK 5, FRESH MEADOWS ESTATES, BEING 0.303 ACRES LOCATED AT 8701 MONTROSE DRIVE.**
- B.3 AUTHORIZE PURCHASE OF BOOKS FROM BAKER & TAYLOR, INC. THROUGH A COOPERATIVE PURCHASE THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS STATE CONTRACT NO. 715-M2 IN THE AMOUNT NOT TO EXCEED THE BUDGETED AMOUNT OF \$182,000.**
- B.4 APPROVE THE PURCHASE OF AN ENTERPRISE BACKUP AND RECOVERY SYSTEM FROM SOCCOUR SOLUTIONS FOR A TOTAL OF \$98,556 THROUGH A GENERAL SERVICES ADMINISTRATION (GSA) COOPERATIVE CONTRACT.**
- C. PUBLIC HEARINGS**
- C.1 SUP 2017-11, ORDINANCE NO. 3517, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM TROY AND VICKY HUDSON FOR A SPECIAL USE PERMIT FOR A METAL ACCESSORY STRUCTURE AT 8016 VALLEY DRIVE, BEING 2.71 ACRES DESCRIBED AS STEPHEN RICHARDSON SURVEY, ABSTRACT 1266, TRACT 7B.**

APPROVED

Mayor Trevino opened the public hearing and called on Principal Planner Clayton Husband to introduce the item.

Mr. Husband informed Council the applicant is requesting a special use permit for 2.71 acres located at 8016 Valley Drive. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is agricultural. Mr. Husband presented site photos of the property.

Applicant representative Troy Hudson, 8016 Valley Drive, informed Council he has owned the property for nine years and has made improvements to the lot. He began working on the accessory structure that will house various equipment and serve as storage for a recreational vehicle (RV). He commented that before he began construction he reviewed surrounding properties to ensure the barn-style building would be as nice, if not nicer than others in the area. He was contacted by the City of North Richland Hills and made aware the structure required a permit. As a result of discussion with city personnel he agreed to a couple of changes to include a five-foot wainscot rock around the north and west sides and to remove two of the three accessory buildings on the property. He commented that his property is zoned agricultural and was not aware that a permit was required for the building.

In response to Council member Wright Oujesky's question, Mr. Hudson informed Council the building has to be large enough to house his parent's motor home when they visit. The building is hidden among the trees and not visible from the street.

Council member Lombard asked Mr. Hudson why he refuses to include a driveway that is required by city ordinance. Mr. Hudson commented that he does not believe the driveway fits the area. He does not want to damage the existing trees to construct a driveway. He hired an arborist to address oak wilt located on his property. He is interested in saving the existing trees on his property and does not want to remove or jeopardize trees to construct a driveway. If that is the remaining item to address in order to receive approval of the special use permit, he would have to discuss it with his wife as he does not think they want to construct a driveway.

Council member Rodriguez asked the applicant to clarify when he began the special use permit process because during his presentation he commented that he stopped work on the building about a year ago. Mr. Hudson stated that the first letter he received from the city provided a time frame to file a special use permit at his convenience. He said that he received an additional letter from another city department informing him the work needed to be completed immediately, which left him wondering if city departments know what the other is doing. Both he and his wife visited with city staff. He said that he received correspondence from Municipal Court and appeared in court. He was informed that he had through the middle of August to either reappear in court or receive permit to finish the building.

In response to Council member Wright Oujesky's questions, Mr. Husband informed Council the maximum floor area for accessory buildings is based on lot size. Lot sizes that are 20,000 square foot or larger is equivalent of 2.5% of the lot area. Based on the applicant's lot size, the maximum floor area for the building is 2,300 square foot.

Mr. Comstock presented staff's report. The size of the building is not part of the requested waivers for the application. The waivers requested to the development standard include: maximum height, driveway access, masonry requirement and number of permanent buildings. The zoning ordinance states that the number of buildings cannot be increased with a special use permit. The two existing permanent buildings must be removed if the special use permit is approved. The Planning and Zoning Commission, at their May 17, 2018 meeting, recommended denial with a vote of 6-0.

Council discussed the request and proposed waivers.

Council member Lombard asked if Mr. and Mrs. Hudson are facing court fines. Director of Neighborhood Services Stefanie Martinez informed Council the citation has been

deferred. Assistant City Attorney Kellie Brady advised that the Hudson's agreed to deferred disposition to obtain the required permit. There is a fine attached to the case, but is currently in deferred disposition status and there has been no conviction.

Council member Welch asked Mr. Husband if the ordinance pertaining to accessory buildings applies to all lots. He commented that he has a concern with residents being asked to remove existing buildings. Mr. Husband informed Council the ordinance provides for two temporary buildings and one permanent building in all zoning districts. There may be properties that have pre-existing accessory buildings, which are grandfathered from the new requirement. However, if an applicant applies for a permit to construct a new structure and are not in compliance with the number of allowed structures; a permit will not be issued until all code conditions are met.

Council member Welch asked if the city would allow a grass paver in lieu of concrete for the required driveway. Mr. Husband informed Council if the grass paver is condition of approval it would be allowed.

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

The following people spoke in favor of the request: Mr. George Dumith, 7325 Bursey Road and Ms. Elizabeth Mann, 8025 Valley Drive.

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

A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO DENY ORDINANCE NO. 3517.

Mayor Trevino commented that it is easier to beg for forgiveness than permission. Given the location of the proposed building he suggested the City Council not deny the ordinance. The City Council can require the applicant to remove the existing buildings and provide a sandbased driveway with masonry material that grass can grow through to prevent wheel ruts.

Council member Lombard expressed his concern with approving the ordinance and setting a precedent for future requests. The City Council had a similiar situation a few years ago, and at that time the City Council agreed that a regulation was necessary to address accessory buildings.

Council member Wright Oujesky commented that she was not pleased that the applicant did not follow the proper protocol to construct the accessory building. She would like to address the driveway access and masonry requirement standards.

Council member Rodriguez commented that he is concerned with the height of the building. He would be supportive if the building height was 12 foot and masonry is provided on the south and east side of the accessory building.

Council member Benton commented that this situation is the reason why the city has the special use permit process. The barn sits back on the property and is hidden from the road.

Council member Turnage commented that he agrees with Council member Wright Oujesky. He understands the investment the homeowner has in the project, but believes the accessory building needs to have masonry on all sides and a permeable surface to the existing asphalt driveway.

Council member Welch commented that he would be agreeable to approving the request if the applicant installed five-foot wainscot around the building, installed paved creek or grass creek pavers and removed existing buildings.

Council member Lombard commented that he firmly believes the city should follow the process outlined in the special use permit regarding accessory buildings.

THE MOTION TO DENY FAILED WITH A VOTE OF 2-5; WITH COUNCIL MEMBERS LOMBARD AND RODRIGUEZ VOTING FOR DENIAL AND MAYOR PRO TEM BENTON AND COUNCIL MEMBERS WRIGHT OUJESKY, BARROW, TURNAGE AND WELCH VOTING AGAINST.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY MAYOR PRO TEM TURNAGE TO APPROVE ORDINANCE NO. 3517, WITH THE FOLLOWING CHANGES: FIVE-FOOT MASONRY WAINSCOTING ON ALL SIDES OF THE ACCESSORY STRUCTURE TO INCLUDE A CAP; A DRIVEWAY TO THE STRUCTURE (AS IDENTIFIED BY STAFF); AND REMOVAL OF THE TWO EXISTING ACCESSORY STRUCTURES.

MOTION TO APPROVE CARRIED 5-2; WITH MAYOR PRO TEM BENTON AND COUNCIL MEMBERS WRIGHT OUJESKY, BARROW, TURNAGE AND WELCH VOTING IN FAVOR AND COUNCIL MEMBERS RODRIGUEZ AND LOMBARD VOTING AGAINST.

C.2 RP 2018-02 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM HAMILTON DUFFY, PC, FOR A REPLAT OF LOTS 1A1-1A8, BLOCK 3, WOODBERT ADDITION, BEING 3.643 ACRES LOCATED AT THE SOUTHWEST CORNER OF DAVIS BOULEVARD AND SAYERS LANE.

APPROVED

Mr. Comstock informed Council the applicant is requesting a replat for 3.643 acres located at the southwest corner of Davis Boulevard and Sayers Lane. The area is designated on the Comprehensive Land Use Plan as retail and the current zoning is single-family residential and nonresidential planned development. Mr. Comstock presented site photos of the property.

Applicant representative Mark Howe, 6617 Precinct Line Road, presented request. He commented this item is a follow up to the zoning change recently approved by City Council. The development includes six residential lots that face Sayers and two commercial lots that face Davis Boulevard.

Council had no questions for the applicant.

Mr. Comstock presented staff's report. He explained the four lots (2A-R2, 2A-R1, 2-R1, and 2-R2) were previously zoned commercial (C-1) before City Council approved the zoning change request to be rezoned single-family residential (R-2) at their April 23, 2018 meeting. The shaded area around the four lots on the exhibit illustrate the easements and lot lines that are being abandoned with the replat. The Planning and Zoning Commission, at their May 17, 2018 meeting, recommended approval with a vote of 6-0.

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 WELCH, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE RP 2018-02.

MOTION TO APPROVE CARRIED 7-0.

D. PLANNING AND DEVELOPMENT

There were no items for this category.

E. PUBLIC WORKS

There were no items for this category.

F. GENERAL ITEMS

- F.1 CONSIDER RESOLUTION NO. 2018-028, TO DENY ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO CHANGE RATES WITHIN THE CITY OF NORTH RICHLAND HILLS AND AUTHORIZE THE HIRING OF LAW FIRM LLOYD GOSSELINK ROCHELLE & TOWNSEND, PC, AND CONSULTANTS, TO REVIEW THE FILING AND TAKE ANY ACTION NECESSARY RELATED TO THE FILING AND ANY APPEAL WITH THE PUBLIC UTILITY COMMISSION OF TEXAS.**

APPROVED

Assistant City Manager Karen Bostic presented item and was available to answer questions from Council.

Council had no questions for staff.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER BENTON TO APPROVE RESOLUTION NO. 2018-016.

MOTION TO APPROVE CARRIED 7-0.

- F.2 CONSIDER AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR AUDIT SERVICES TO WHITLEY PENN, LLP AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

APPROVED

Director of Finance Mark Mills presented item and was available to answer questions.

In response to Council member Wright Oujesky's question, Mr. Mills clarified the dates on page 3 of the memorandum should read that the initial three years of the engagement are for Fiscal Years ending September 30, 2018, September 30, 2019, and September 30, 2020.

A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY MAYOR PRO TEM TURNAGE TO APPROVE THE ITEM.

MOTION TO APPROVE CARRIED 7-0.

- G.1 EXECUTIVE SESSION ITEMS - CITY COUNCIL MAY TAKE ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA**

APPROVED

Director of Economic Development Craig Hulse presented item. Staff is seeking Council's approval authorizing the city manager to negotiate and execute an earnest money contract and any necessary documents to effect the sale for 7301 North East Loop 820 with Regal Center LLC or assigns for \$3,500,000.

A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER BARROW TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EARNEST MONEY CONTRACT AND ANY NECESSARY DOCUMENTS TO EFFECT THE SALE FOR 7301 NE LOOP 820 WITH REGAL CENTER LLC FOR ASSIGNS FOR \$3,500,000.

MOTION TO APPROVE CARRIED 7-0.

G.2 EXECUTIVE SESSION ITEMS - CITY COUNCIL MAY TAKE ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA

APPROVED

Director of Economic Development Craig Hulse presented item. Staff is seeking Council's approval authorizing the city manager to negotiate and execute a one to four family residential contract and any necessary documents to effect the sale for 5101 Cummings Drive with Juan Gutierrez Sixto and Almadelia Zarate for \$177,000.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER LOMBARD TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A ONE TO FOUR FAMILY RESIDENTIAL CONTRACT AND ANY NECESSARY DOCUMENTS TO EFFECT THE SALE FOR 5101 CUMMINGS DRIVE WITH JUAN GUTIERRES SIXTO AND ALMADELIA ZARATE FOR \$177,000.

MOTION TO APPROVE CARRIED 7-0.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Council member Welch made the following announcements.

Join us this week for Round the Town with Oscar. The monthly bike ride will be on Tuesday at 6:30 p.m. starting from Green Valley Park. The monthly walk is Thursday,

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starting at 6:15 p.m. from Richland High School. Everyone is invited. You can find more information on the city's website or by calling the Parks Department.

Enjoy live music at North Richland Hills' new outdoor amphitheater located at 9000 Grand Avenue, across from Stormy Plaza Park. There will be a free 45-minute performance starting at 7:00 p.m. each Thursday in June. Find more information on the website or by calling the Parks Department.

Pulitzer Prize winning author Jennifer Egan will be at the NRH Library on Monday, June 11, to speak about her bestselling novel *Manhattan Beach*. A ticketed reception will be held at 12:15 p.m. and a free speaking engagement will take place at 1:15 p.m. A book signing will immediately follow. Please visit the library's website or give them a call for more information.

Kudos Korner - Sarah Green, Adrien Pekurney, Tina Earle and the Parks Crew - Several residents commented about how much they enjoyed the 2018 Sounds of Spring Concert Series. The music, venue, kids activities and food trucks were all perfect! Thank you to the team at NRH Parks & Recreation for making each concert so enjoyable.

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 8:13 p.m.

Oscar Trevino, Mayor

Alicia Richardson, City Secretary