

**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 13, 2018**

**WORK SESSION**

**CALL TO ORDER**

The City Council of the City of North Richland Hills, Texas met in work session on the 13th 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            |
|          | Mike Benton         | Mayor Pro Tem    |
|          | Tito Rodriguez      | Council, Place 1 |
|          | Rita Wright Oujesky | Council, Place 2 |
|          | Tom Lombard         | Council, Place 3 |
|          | Brent Barrow        | Council, Place 4 |
|          | Scott Turnage       | Council, Place 6 |

|         |           |                  |
|---------|-----------|------------------|
| Absent: | 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 |
|                | Mike Curtis          | Managing Director         |
|                | Alicia Richardson    | City Secretary            |
|                | Maleshia B. McGinnis | City Attorney             |

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

City Secretary Alicia Richardson informed Council the July 9, 2018 City Council minutes have been corrected to reflect the correct attendance. The minutes listed Council member Rodriguez absent at the regular Council meeting versus Council member Tom Lombard. If Council wishes, the minutes may remain on consent agenda. The motion would be to approve the consent agenda with correction to the July 9, 2018 City Council meeting minutes.

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

Director of Neighborhood Services Stefanie Martinez introduced Rayneice Jones, Code

Enforcement Officer.

### **3. DISCUSSION OF RULES AND PROCEDURES OF MEETINGS.**

City Attorney Maleshia McGinnis presented item. She reviewed the current rules and procedures for City Council meetings, to include presentations by the public and public hearings. The City Council Rules of Procedure do not address applicants who make presentations to the City Council. According to Robert's Rules of Order, the Council may make a request for information when no question (motion on the floor) is pending. In order to provide Council the ability to make informed decisions, it is recommended to include an opportunity for City Council to request clarification or additional information from either the applicant or staff. Following the close of the public hearing, and before a motion is on the floor, the mayor or presiding officer will ask: "City Council, before I ask for a motion. Do you have any clarifying questions or requests for additional information from the applicant or staff?" This will not be an opportunity for the applicant to present new information, unless specifically requested by the City Council. The Planning Department will update the notice provided to applicants to inform them of the meeting procedures. Should Council agree on the proposed change, staff recommends the same process for the Planning and Zoning Commission.

There was no objection from Council. They directed staff to move forward with the new process immediately. Mayor Trevino recommended the City Secretary call on members of the public who submitted a public meeting appearance card, notify them of the time limit and enforce the time limit.

#### **EXECUTIVE SESSION**

##### **1. SECTION 551.071: CONSULTATION WITH CITY ATTORNEY - LEGAL ISSUES RELATED TO NORTH RICHLAND HILLS CODE OF ORDINANCES CHAPTER 18, ARTICLE VII, SOLICITORS AND HANDBILLS**

Mayor Trevino announced at 6:17 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551 of the Texas Government Code, specifically Section 551.071: Consultation with City Attorney - Legal Issues related to North Richland Hills Code of Ordinances Chapter 18, Article VII, Solicitors and Handbills. Executive Session began at 6:21 p.m. and concluded at 6:29 p.m.

Mayor Trevino announced at 6:29 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 13, 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 |
|          | Brent Barrow        | Council, Place 4 |
|          | Scott Turnage       | Council, Place 6 |

|         |           |                  |
|---------|-----------|------------------|
| Absent: | Tim Welch | Council, Place 7 |
|---------|-----------|------------------|

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

#### **A.1 INVOCATION**

Council member Rodriguez gave the invocation.

#### **A.2 PLEDGE**

Council member Rodriguez 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 COUNCIL MEMBER BARROW TO APPROVE THE CONSENT AGENDA WITH THE CORRECTION TO THE JULY 9, 2018 CITY COUNCIL MINUTES.

MOTION TO APPROVE CARRIED 6-0.

B.1 APPROVE MINUTES OF THE REGULAR JULY 9, 2018 CITY COUNCIL MEETING.

B.2 APPROVE MINUTES OF THE REGULAR JULY 23, 2018 CITY COUNCIL MEETING.

B.3 CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH GARVER, LLC., IN AN AMOUNT NOT TO EXCEED \$328,319 FOR THE CONN 16-INCH WATER TRANSMISSION MAIN ASSESSMENT.

B.4 AUTHORIZE ANNUAL PURCHASE AGREEMENTS WITH WHECO ELECTRIC, INC., AND US BRONCO SERVICES, INC., FOR PUBLIC WORKS UTILITY RELATED MAINTENANCE ITEMS IN COMPLIANCE WITH LOCAL AND STATE COOPERATIVE AND COMPETITIVE PURCHASING POLICIES AND REGULATIONS.

C. PUBLIC HEARINGS

C.1 SUP 2018-03, ORDINANCE NO. 3526, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM BOB E. GRIGGS FOR A SPECIAL USE PERMIT FOR A METAL ACCESSORY STRUCTURE AT 7229 LONDONDERRY DRIVE, BEING 3.676 ACRES DESCRIBED AS LOT 2R1, BLOCK 1, DOUBLE K RANCH ADDITION.

**APPROVED**

Mayor Trevino announced that he would abstain from items C.1 and C.2 due to his son and wife owning property adjacent to both requests. A conflict of interest affidavit has been filed with the City Secretary.

Mayor Trevino left the dais and meeting at 7:04 p.m.

Mayor Pro Tem Benton 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 the construction of a metal accessory building on 3.676-acre lot located at 7229 Bursey

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Road. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is special single family. Mr. Husband provided site photos of the property.

Applicant representative Larry Cunningham, 6213 Riveria Drive, North Richland Hills, Texas presented the request on behalf of Bob Grigg who resides at 7229 Londonbery Drive. The applicant is seeking approval of a metal structure (70' X 22' X 14') to replace the two structures (open structure and barn) located at the northwest corner of his property. The two structures and the land it occupies approximately 9,200 square feet will be purchased by an adjacent neighbor. The 1,540 square foot metal building would store equipment. The height of the structure is needed to accommodate Mr. Griggs' equipment to maintain his property. The Planning and Zoning Commission approved the request with the stipulation to include wainscot on the building. At the meeting it was also suggested to include landscaping to shield the building. At the Planning and Zoning meeting, staff suggested a 20' setback along the northern portion of the property for drainage, which is acceptable to Mr. Griggs. Mr. Cunningham presented landscaping options for Council's consideration in lieu of the wainscot requirement. The landscape options included two live oaks on the southeast and northeast side of the proposed building and one live oak on the northwest corner with three to four fast growing quality shrubs. Mr. Cunningham asked for Council's approval to allow the metal building as proposed and to provide the presented landscape plan as an alternative to the masonry wainscot.

Council had no questions for the applicant.

Mr. Husband presented staff's report. The applicant seeks approval for an enclosed 1,540 square foot metal barn with an overall dimension of 22' x 70'. The applicant is requesting a waiver to the masonry requirement that provides 85% of exterior walls must be faced with masonry material. The applicant is also requesting a waiver to the roof pitch requirement of 4:12 on each side of the ridge. The special use permit seeks approval for a 100% metal exterior wall and roof pitch of 2:12 on each side of the ridge. Prior to issuing a permit for the proposed building, the two existing buildings will be removed from the property or they will be incorporated into the adjacent property by replat. The Planning and Zoning Commission, at their August 2, 2018 meeting, recommended approval with a vote of 6-0 with the following conditions: (1) the building must be located in the area shown on the site plan and (2) a wainscot constructed of brick or stone must be installed on all sides of the building.

In response to Council member Lombard's question, Mr. Husband informed Council the Planning and Zoning Commission did not receive a presentation on the proposed landscape plan.

Mayor Pro Tem Benton asked for anyone wishing to speak on the item to come forward.

Mr. Marc Trevino, 7300 Bursey Road, spoke in favor of the request.

There being no one else wishing to speak, Mayor Pro Tem Benton closed the public hearing.

**A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER LOMBARD TO APPROVE SUP 2018-03, ORDINANCE NO. 3526 WITH THE STIPULATION OF A 4' WAINSCOT AROUND THE BOTTOM.**

Council discussed the proposed landscaping plan, required wainscot and recent action by Council regarding another metal structure building.

**COUNCIL MEMBER WRIGHT OUJESKY AMENDED HER MOTION TO INCLUDE A 20' SETBACK. COUNCIL MEMBER LOMBARD SECONDED THE AMENDMENT.**

**A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER LOMBARD TO APPROVE SUP 2018-03, ORDINANCE NO. 3526, WITH THE STIPULATION OF A 4' WAINSCOT AROUND THE BOTTOM AND 20' SETBACK.**

**MOTION TO APPROVE CARRIED 5-1, WITH MAYOR PRO TEM BENTON AND COUNCIL MEMBERS WRIGHT OUJESKY, LOMBARD, BARROW AND TURNAGE VOTING IN FAVOR AND COUNCIL MEMBER RODRIGUEZ VOTING AGAINST.**

**C.2 ZC 2018-12, ORDINANCE NO. 3524, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM NRH HILLSIDE VILLAS, LTD., TO REVISE THE RI-PD RESIDENTIAL INFILL PLANNED DEVELOPMENT FOR HILLSIDE VILLAS, BEING 6.8416 ACRES LOCATED AT THE SOUTHEAST CORNER OF MID-CITIES BOULEVARD AND HOLIDAY LANE AND DESCRIBED AS LOT A1A, BLOCK 28, COLLEGE HILLS ADDITION, AND TRACTS 10H5, 10, AND 11D, JOHN BARLOUGH SURVEY, ABSTRACT 130.**

**APPROVED**

Mayor Pro Tem Benton announced that Mayor Trevino filed a conflict of interest affidavit and is abstaining from the item. Mayor Pro Tem Benton opened the public hearing and called on Mr. Husband to introduce the item.

Mr. Husband informed Council the applicant is requesting a revision to the residential infill planned development for Hillside Villas located at the southeast corner of Mid Cities

Boulevard and Holiday Lane. The area is designated on the Comprehensive Land Use Plan as neighborhood services and the current zoning is commercial and school, church and institutional. Mr. Husband presented site photos of the property.

Applicant representative Collier Bailey, 8214 Westchester Drive, Dallas, Texas 75225, presented request. The purpose of the request is to adjust minimum requirements to the following standards:

Lot area: the applicant seeks 3,800 square feet for a maximum of 16 lots, with the remaining lots at the minimum requirement of 4,025 square feet;

Lot depth: the applicant seeks 105 feet for a maximum of five lots, with the remaining lots at the minimum requirement of 110 feet;

Rear building setback: the applicant seeks 13 feet for a maximum of nine lots, with the remaining lots at the minimum requirement of 18 feet; and

Garage setback: the applicant seeks 13 feet for a maximum of nine lots, with the remaining lots at the minimum requirement of 18 feet.

The purpose for the request is to accommodate a revision to the eastern boundary retaining wall as suggested by their engineer to improve the structure. The request incorporates an additional six feet of buffer from the alley right-of-way to the property line to accommodate the retaining wall structure. Mr. Collier mentioned the proposed revision also incorporates a buffer to the south property boundary adjacent to the church.

Mr. Husband presented staff's report. The Planning and Zoning Commission, at their July 19, 2018 meeting, recommended approval with a vote of 6-0.

Council had no questions for staff.

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

**A MOTION WAS MADE BY COUNCIL MEMBER TURNAGE, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ORDINANCE NO. 3524.**

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

Mayor Pro Tem Benton recessed the meeting at 7:45 p.m.

Mayor Trevino reconvened the meeting at 7:51 p.m., with the same members present.

**C.3 ZC 2017-08, ORDINANCE NO. 3525, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM JR ROSE ARCHITECTURE FOR A ZONING CHANGE FROM AG AGRICULTURAL TO RI-PD RESIDENTIAL INFILL PLANNED DEVELOPMENT AT 9000 KIRK LANE, BEING 5.944 ACRES DESCRIBED AS TRACTS 15A3, 15A3A, AND 15A8, STEPHEN RICHARDSON SURVEY, ABSTRACT 1266. PUBLIC HEARING POSTPONED TO AUGUST 27, 2018.**

**APPROVED**

Mayor Trevino opened the public hearing and announced the applicant has requested this item be postponed to the August 27, 2018 City Council meeting. Mayor Trevino commented that the public hearing was posted in the paper and if there is anyone in the audience wishing to speak to approach the podium. There being no one wishing to speak, Mayor Trevino called for a motion to postpone the public hearing to the August 27, 2018 City Council meeting.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER TURNAGE TO POSTPONE THE PUBLIC HEARING TO THE AUGUST 27, 2018 CITY COUNCIL MEETING.**

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

**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 SETTING THE DATE FOR THE PUBLIC HEARINGS FOR THE CITY'S FY 2017/2018 REVISED BUDGET, THE PARK AND RECREATION FACILITIES DEVELOPMENT CORPORATION'S FY 2017/2018 REVISED BUDGET, THE CRIME CONTROL AND PREVENTION DISTRICT'S FY 2017/2018 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 2017/2018 budgets for



the Park and Recreation Facilities Development Corporation at 6:30 p.m., Crime Control and Prevention District at 6:40 p.m. and City budget at 7:00 p.m. The public hearings are planned for Monday, August 27, 2018. Following the public hearings, Council will consider the budgets on Monday, September 10, 2018.

Council had no questions for staff.

**A MOTION WAS MADE BY MAYOR PRO TEM BENTON, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE THE ITEM.**

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

**F.2 SETTING THE DATE FOR THE PUBLIC HEARING FOR THE CITY'S FY 2018/2019 PROPOSED BUDGET, THE PARK AND RECREATION FACILITIES DEVELOPMENT CORPORATION'S FY 2018/2019 PROPOSED BUDGET, AND THE CRIME CONTROL AND PREVENTION DISTRICT'S FY 2018/2019 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 2018/2019 budgets for the Park and Recreation Facilities Development Corporation at 6:30 p.m., Crime Control and Prevention District at 6:40 p.m. and City budget at 7:00 p.m. The public hearings are planned for Monday, August 27, 2018. Following the public hearings, Council will consider the budgets on Monday, September 10, 2018.

Council had no questions for staff.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO THE ITEM.**

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

**F.3 SETTING AUGUST 27, 2018 AND SEPTEMBER 5, 2018 AS THE DATES FOR THE TAX RATE PUBLIC HEARINGS AND VOTE ON PLACING THE TAX RATE ADOPTION ON THE AGENDA OF THE SEPTEMBER 10, 2018 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 10, 2018. Staff proposes the tax rate public hearings be held on August 27, 2018 and September 5, 2018. Since the proposed tax rate exceeds the effective tax rate of \$0.553160, but not the rollback rate of \$0.589707, state law requires two public hearings on the tax rate. The proposed tax rate of \$0.585 per \$100 of taxable valuation is lower than the currently adopted tax rate of \$0.59. Staff also recommends that City Council place the vote on the tax rate on the September 10, 2018 City Council agenda.

**A MOTION WAS MADE BY COUNCIL MEMBER RODRIGUEZ, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE THE ITEM.**

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

**F.4 CONSIDER RESOLUTION NO. 2018-023, AUTHORIZING THE CITY TO SELL, CONVEY, AND TRANSFER 4705 CUMMINGS DRIVE, LOT 2, BLOCK 25 NORTH RICHLAND HILLS ADDITION TO THE CITY OF NORTH RICHLAND HILLS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY AND RELATED DOCUMENTS TO EFFECT THE SALE.**

**APPROVED**

Director of Economic Development Craig Hulse presented item. City Council is being asked to authorize the city manager to execute documents related to the sale, conveyance and transfer of property located at 4705 Cummings Drive to the City of North Richland Hills. The property has been foreclosed due to non-payment of taxes. Within the past five years, the city has filed liens against the property for mowing and demolishing the house due to substandard conditions. As directed by Council at their July 23 meeting, the city manager submitted a bid to purchase the property and reimburse each taxing entity their pro rata share of the sale proceeds. Pursuant to the Property Tax Code, each local taxing entity shall consider and approve any bid submitted to purchase the property. Resolution No. 2018-023 approves the sale of 4705 Cummings Drive to the City of North Richland Hills and authorizes the city manager to execute any and all necessary and related documents to effect the sale.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER TURNAGE TO RESOLUTION NO. 2018-023.**

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

**F.5 APPROVE RESOLUTION NO. 2018-024 AUTHORIZING AND ENDORSING THE APPLICATION FOR THE 2018 "OUR TOWN" GRANT PROGRAM BY THE NATIONAL ENDOWMENT FOR THE ARTS FOR PLACEMAKING PROJECTS ALONG THE TEXRAIL COMMUTER RAIL LINE.**

## **APPROVED**

Director of Community Services Vickie Loftice presented item. Staff plans to apply for a federal grant to supplement funding for art and projects associated with the new TexRail Commuter Line. The National Endowment for the Arts, "Our Town" program provides a limited number of grants ranging from \$25,000 to \$200,000 for creative placemaking projects. The city's application will seek \$75,000, with the city matching the grant funds from the Art in Public Spaces Donation Fund. Art Tooth, a non-profit organization, has agreed to partner with the city on the project. Staff recommends Council approve Resolution No. 2018-024.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER BARROW TO APPROVE RESOLUTION NO. 2018-024.**

**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**

Mayor Trevino announced that no action is necessary as the result of Executive Session.

**H. INFORMATION AND REPORTS**

**H.1 ANNOUNCEMENTS**

Council member Wright Oujesky made the following announcements.

The North Richland Hills Animal Adoption & Rescue Center will join shelters across the region for Clear the Shelters Day this Saturday, August 18. Pet adoption fees will be waived for this day only. Please visit our website or contact the shelter for more information.

The Refresh Back-to-School event will occur on Saturday, August 18, beginning at 9:00 a.m. at the Wiley G. Thomas Coliseum. This event provides much needed school supplies and services to children from the Birdville Independent School District. Without this event many of these children will start the school year without the basic supplies they need. Visit [www.refreshbisd.com](http://www.refreshbisd.com) to see ways that you can help or donate to this event.

The Carter Blood Care Bus will be in front of City Hall on Tuesday, August 21, from 8:00 a.m. to 3:00 p.m. All donors will receive a free t-shirt. You may reserve a time slot online. Walk-ins will also be welcome.

Kudos Korner - David Nichols, Troy Depue, Randy Vastine, Bob Jones, Ramses Cano, Tanner Jump, Dwayne Dornquast, Richard Norman, Corey Bain, Wayne Estep and Steele Pena in Public Works - A resident sent a "Cheer" to the Star Telegram about the Public Works crew who endured the extreme July heat to resurface Susan Lee Lane. She said they were very accommodating and work was completed quickly. Thanks to all for a job well done.

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 8:08 p.m.

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Oscar Trevino, Mayor

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Alicia Richardson, City Secretary