

**MINUTES OF THE CITY COUNCIL OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
HELD IN THE CITY HALL 4301 CITY POINT DRIVE
MAY 18, 2020**

REGULAR MEETING

A. CALL TO ORDER

Mayor Trevino stated in accordance with the Texas Governor's March 13, 2020 Disaster Declaration and subsequent suspension of certain Texas Open Meetings Act Provisions, this May 18, 2020 meeting of the North Richland Hills City Council is hereby called to order at 6:00 p.m.

Mayor Trevino stated that tonight's meeting will be conducted using Webex video conference in order to observe physical distancing to mitigate the spread of COVID-19.

Mayor Trevino conducted a roll call of City Council members to confirm the presence of a quorum.

Present via video conference:

Oscar Trevino	Mayor
Scott Turnage	Mayor Pro Tem
Tito Rodriguez	Deputy Mayor Pro Tem
Rita Wright Oujesky	Place 2
Suzy Compton	Place 3
Mason Orr	Associate Mayor Pro Tem
Mike Benton	Place 5
Tim Welch	Place 7

Staff present via video conference:

Mark Hindman	City Manager
Alicia Richardson	City Secretary
Maleshia B. McGinnis	City Attorney
Jimmy Perdue	Director of Public Safety
Clayton Comstock	Director of Planning
Ron Newman	NRH Centre Member Services Supervisor

A.1 INVOCATION

Mayor Pro Tem Turnage gave the invocation.

A.2 PLEDGE

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

There were no requests to speak from the public.

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 MAYOR PRO TEM TURNAGE, SECONDED BY ASSOCIATE MAYOR PRO TEM ORR TO APPROVED THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 7-0.

B.1 CONSIDER RESOLUTION NO. 2020-023, AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE BUREAU OF JUSTICE ASSISTANCE FY2020 BULLETPROOF VEST PARTNERSHIP.

B.2 AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH GT DISTRIBUTORS, INC. FOR PUBLIC SAFETY AND FLEET SUPPLIES AND EQUIPMENT THROUGH BUYBOARD CONTRACT NUMBER 603-20 FOR AN ANNUAL AMOUNT NOT TO EXCEED \$145,000.

B.3 AUTHORIZE THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH ANA SITE CONSTRUCTION, LLC, FOR THE WALKER BRANCH INTERCEPTOR PROJECT (UT1607) IN THE AMOUNT OF \$239,508.84.

C. PUBLIC HEARINGS

C.1 ZC 2020-05, ORDINANCE NO. 3648, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM JDJR ENGINEERS & CONSULTANTS INC FOR A ZONING CHANGE FROM C-1 (COMMERCIAL) TO NR-PD (NONRESIDENTIAL PLANNED DEVELOPMENT) AT 1500 WEYLAND DRIVE, BEING 1.605 ACRES DESCRIBED AS LOT 2R1, BLOCK 4, UNIVERSITY PLAZA 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 zoning change for 1.605 acres located at 1500 Weyland Drive. The area is designated on the Comprehensive Land Use Plan as office commercial and the current zoning is C-1 commercial. Mr. Comstock provided site photos of the property.

Applicant representative Jim Dewey with JDJR Engineers & Consultants, Inc. located at 2500 Texas Drive, #100, Irving presented request. Mr. Dewey informed City Council he represents NRH JSK Hospitality. His client is interested in building a Tru by Hilton hotel at this location. Mr. Dewey provided renderings of the proposed hotel. The hotel will have an indoor pool and outside patio. Mr. Dewey commented they are requesting the zoning change so that the monument sign design is approved as part of the planned development.

In response to Council member Wright Oujeksy's question, Mr. Kevin Patel, 2703 West Division Street, Arlington, advised that the average room rate would be \$80.00 - \$90.00 per night. Mr. Patel said they are hopeful to break ground in the winter of 2021. The timeline for construction is typically 18 - 24 months.

Mr. Comstock presented staff's report. The zoning change includes the use of a hotel with 84 guest rooms. The hotel will have four stories, indoor pool and 86 parking spaces. The Planning and Zoning Commission, at their May 7, 2020 meeting, recommended approval with a vote of 6-0.

Mayor Trevino asked Assistant City Secretary Traci Henderson to call on those who requested to speak during the public hearing. There being no one wishing to speak,

May 18, 2020

City Council Meeting Minutes

Page 3 of 11

Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER WELCH, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVE ZC 2020-05, ORDINANCE NO. 3648, AS PRESENTED TONIGHT.

MOTION TO APPROVE CARRIED 7-0.

C.2 ZC 2020-03, ORDINANCE NO. 3649, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM THE JOHN R. MCADAMS COMPANY INC. FOR A ZONING CHANGE FROM AG (AGRICULTURAL) TO R-PD (RESIDENTIAL PLANNED DEVELOPMENT) AT 8320 DAVIS BOULEVARD, BEING 3.93 ACRES DESCRIBED AS TRACT 7A4, STEPHEN RICHARDSON SURVEY, ABSTRACT 1266.

CONTINUED

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 zoning change for 3.93 acres located at 8320 Davis Boulevard. The area is designated on the Comprehensive Land Use Plan as office commercial and the current zoning is agricultural. Mr. Comstock provided site photos of the property.

Mayor Trevino informed City Council in the interest of full disclosure he is friends with the citizen who resides on the west side of Davis Boulevard.

Applicant representative Shane Wright with Real Estate Equities Development LLC located at 1400 Corporate Center Curve, Eagan, Minnesota presented request. Mr. Wright informed City Council his presentation would include an overview of the Village Cooperative of Century Hills (project) and the company behind the cooperative; zoning request and details; discussion and action taken following the Planning and Zoning Commission meeting; and how the applicant has addressed concerns. Mr. Wright explained how senior cooperatives work and who live in them. Mr. Wright informed City Council they are addressing the concerns raised at the Planning and Zoning Commission that include privacy, building height, property values impact, traffic, lighting, exterior evaluations and HVAC units. To address privacy, they will increase the wall from six (6) to eight (8) foot fence, add additional landscape screening and have created a shadow study, which will show no building shadow impact to surrounding property owners. To address building height, they will lower the pitch roof from 6/12 pitch to 5/12 pitch and lower entire building by two (2) feet. Mr. Wright commented that a traffic study was not recommended, but they have exhibits with traffic counts available. Mr. Wright

May 18, 2020

City Council Meeting Minutes

Page 4 of 11

commented that the Village Cooperative would produce less traffic than any use for the site. In response to lighting, Mr. Wright stated that they always use down lighting. They are committing to using a mix of 12 foot down lights and three (3) foot +/- bollards. Mr. Wright stated that there would be zero light pollution to surrounding properties. Mr. Wright mentioned that 48% of the building's exterior is masonry and they commit to working with staff to enhance the masonry uses. At the Planning and Zoning Commission, a question was asked about the HVAC units. Each home will have a mechanical room for the heater and air conditioning unit. In response to the concern expressed at the Planning and Zoning Commission meeting, the five packaged terminal air conditioner (PTAC) units will be eliminated. In addition, Mr. Wright provided two options for City Council's consideration - (1) reduce third floor by eliminating two units in the southeast corner of the building or (2) downsize the project by eliminating six homes on the south side of the building.

City Council and applicant representatives discussed the shadow study; cost of units; landscaping and responsibility of landscaping once the development is complete; need for articulation renderings to have a better understanding of the project; regulations regarding subletting units; if the development would be level with Davis Boulevard or the retaining wall; view from the third floor balconies onto adjacent homes; landscaping and the caliper for trees; percentage of units already reserved/interest shown; trash collection; length of time for development to be at 100%; traffic and number of parking spaces; and if campers and RVs are allowed.

Mr. Comstock presented staff's report. The request before City Council this evening is for a 61-unit independent senior living multi-family complex. The complex will have six (6) one-bedroom units and 55 two-bedroom units. The development is considered a high-density residential designation with 15.53 dwelling units per acre. The height of the building is 47 feet (on eastern edge of the building from the building roof peak to ground level) and 59-60 feet (along Davis Boulevard). As stated by the applicant, they are open to reducing the overall height. The development will have 105 parking spaces-42 surface and 63 underground garage. The site plan provides for two driveway curb cuts on Davis Boulevard. The main driveway, which will be ungated is located at the northern section of the property. The second driveway, located at the southern section of the property, is designated for emergency vehicles. The landscape plan provides for 53.6% of the site to be landscaped area, a buffer yard and an eight (8) foot tall masonry screening wall (fencecrete) on the north, east, and south property lines. Mr. Comstock commented that there would be no fencing along Davis Boulevard as required by R-7 MF multifamily district designation. The development will also have a looped walking trail and trees preserved on the north end of the site. A dry detention pond is proposed on the southwest corner of the property. Mr. Comstock reviewed the applicant's proposed elevations. Mr. Comstock reviewed the proposed alternative PD planned development standards compared to the requirements of the R-7 MF multifamily district. The two

standards of concern for the Development Review Committee are the maximum height and maximum number of stories. A three-story building is permitted at approximately 120 feet set back from single family. The applicant proposes a three-story building be permitted within 52 feet of property zoned R-1 single family. Mr. Comstock commented that the Development Review Committee recommended the following should the request be approved:

- Adoption of Town Center design standards;
- Stamped and stained concrete crosswalks;
- Natural stone retaining walls - not manufactured block;
- Removal of packaged terminal air conditioner (PTAC) units;
- Use of sliding glass doors; and
- 8-foot masonry wall adjacent to single-family

Mr. Comstock reiterated the applicant is in agreement to revise the photometric plan and reduce the light poles to 12 feet in height to reduce light runoff to adjacent properties. The applicant also mentioned being agreeable to revising the elevations and to increase the brick and stone. Mr. Comstock informed City Council if they wish to address campers and RVs that he recommends the language be included in the ordinance. Likewise, if City Council wants to ensure the trash enclosures are stored inside; the language needs to be included in the ordinance.

Mr. Comstock informed City Council the Development Review Committee recommends denial of the application. The reasons for the denial are included in the Development Review Committee comments dated April 28, 2020. The Planning and Zoning Commission, at their May 7, 2020 meeting, recommended denial with a vote of 4-2. The applicant has submitted the required appeal for consideration by the City Council. Mr. Comstock informed City Council the city has received opposition from 50.6% of the land area within 200 feet of the subject property. Pursuant to Section 211.006, Texas Local Government Code if 20% or more of the land area within 200 feet of the subject property submits written opposition, a two-thirds vote ("supermajority") is required by City Council to approve the application.

In response to Council member Compton's question, Mr. Comstock informed City Council the only item that will come back for their consideration is the final plat. Items regarding the architecture, height restriction, setbacks, landscaping, etc. is approved tonight.

In response to Deputy Mayor Pro Tem Rodriguez's question, Mr. Comstock informed City Council the number of EMS calls reported in his presentation only includes the number for independent senior living facilities. The number referenced in the Development Review Committee comments includes a number of different types of senior

living facilities-assisted living facilities, nursing homes and independent living.

In response to Council member Wright Oujeksy's question, Mr. Comstock confirmed the applicant is proposing an eight (8) foot masonry screening wall on all sides, with the exception of Davis Boulevard. Council member Wright Oujeksy commented that she prefers the main entry door be changed to a double door for a more formal entrance. Mr. Comstock informed City Council the recommendation of the Development Review Committee is to expand the main entry door to be more of a ceremonial entrance to the lobby area. Mr. Comstock said that staff has not received feedback from the applicant on the committee's recommendation.

In response to Associate Mayor Pro Tem Orr's question, Mr. Wright informed City Council the looped trail is on private property as an amenity for owners and not intended for public use.

Council member Benton expressed concern with the application and the absence of architectural renderings of the applicant's proposed development. Council member Benton understands that the applicant is willing to work with staff, but he wants to know what type of building materials will be used for the building. The City Council has one opportunity to get this right and it needs to be addressed by City Council.

Mayor Trevino asked Assistant City Secretary Traci Henderson to call on those who requested to speak during the public hearing.

Mr. Jarrel Morgan, 6413 Westgate spoke in support of the request.

Mr. Randal Armstrong, 8808 Thorndale Court, spoke in opposition of the request.

Mr. Mark McCandless, 8800 Thorndale Court, spoke in opposition of the request.

Mr. Derek Anthony (represents seller of the land), 1816 Falcon Drive, Keller spoke in support of the request.

Mr. Austin Stephens, 8329 Thorncrest Court, spoke in opposition of the request.

The following people did not wish to speak, but asked that their opposition be recorded: Mark E. Fredrick, 8340 Thornhill Drive; David and Linda Buddin, 8912 Thornmeadow Court; Marci-Beth Maple, 8316 Thorncrest Court; Philip Zaglool, 8804 Thorndale Court; Anthony B. Gerth, 8216 Thornbush Drive; John M. Breazeale, 8924 Thornmeadow Court; Gregory A. Thornton, 8217 Thornhill Drive; Carol and John Rodgers, 8313 Thornbird Drive; Heidi and John R. (Jack) Cope, 8908 Thornberry Drive; Ruth and Gordon Brucks, 8352 Thornhill Drive; Steve Edwards, 8904 Thornberry Drive and Danna C. Thornton, 8217 Thornhill Drive.

Mayor Trevino recessed the meeting at 8:56 p.m.

Mayor Trevino reconvened the meeting at 9:00 p.m., with same members present.

Mr. Danny Roberts, 8808 Thornbridge Drive, spoke in opposition.

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

Mayor Trevino asked Mr. Wright if he would be agreeable with the recommendations of the Development Review Committee if the application were to be approved by the City Council. Mr. Wright commented that it would be difficult for him to agree to every Town Center design standard. Mr. Comstock clarified the Development Review Committee comments were specific and do not include all the design standards.

City Council, staff and the applicant discussed DRC recommendations, tree plantings, include both options proposed by the applicant to mitigate height issue on the back of the property; number of parking spaces to remain even if the number of units is reduced; height of the building, view from third floor balcony, and concerns with the close proximity to adjacent residential property.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY MAYOR PRO TEM TURNAGE TO DELAY VOTING ON THE ITEM UNTIL THE NEXT COUNCIL MEETING TO ALLOW THE DEVELOPER AND THE CITY TO COME BACK WITH A VERY CLEAN PLAN OF ACTION FOR COUNCIL'S CONSIDERATION TO INCLUDE ALL THE DETAILS DISCUSSED TONIGHT.

MOTION TO CONTINUE CARRIED 7-0.

**C.3 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 3650
ADOPTING YOUTH PROGRAMS STANDARDS OF CARE.**

APPROVED

Mayor Trevino opened the public hearing and called on NRH Centre Member Services Supervisor Ron Newman to present the item.

Mr. Newman informed City Council the youth programs standards of care are a requirement of the Texas Department of Family and Protective Services for exempt status for day care licensing. To receive exempt status a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards.

Mayor Trevino asked the Assistant City Secretary to call on those who requested to speak during the public hearing. There being no one wishing to speak, Mayor Trevino closed the public hearing.

May 18, 2020

City Council Meeting Minutes

Page 8 of 11

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY DEPUTY MAYOR PRO TEM RODRIGUEZ TO APPROVE ORDINANCE NO. 3650.

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 ORDINANCE NO. 3652, AMENDING ORDINANCE NO. 3644 RELATING TO THE DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC TO MODIFY THE PENALTY PROVISION.

APPROVED

Director of Public Safety Jimmy Perdue informed City Council at their May 4, 2020 meeting, they approved Ordinance No. 3644 incorporating Governor Abbott's Executive Orders and provided for a penalty for violation of the ordinance. On May 7, 2020, Governor Abbott modified his Executive Orders to eliminate confinement as a penalty for violation of his Executive Orders retroactive to April 2, 2020. As a result of the governor's recent action, it is necessary for City Council to modify the penalty provision in Ordinance No. 3644. The proposed ordinance modifies the penalty provision to be consistent with the Governor's Executive Orders.

A MOTION WAS MADE BY ASSOCIATE MAYOR PRO TEM ORR, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE ITEM F.1, ORDINANCE NO. 3652.

MOTION TO APPROVE CARRIED 7-0.

F.2 CONSIDER ORDINANCE NO. 3653, AMENDING ORDINANCE NO. 3645 RELATING TO THE TEMPORARY MORATORIUM ON ALL DOOR-TO-DOOR SOLICITATION ACTIVITIES AND DISTRIBUTION OF HANDBILLS TO MODIFY THE PENALTY PROVISION.

APPROVED

City Secretary Alicia Richardson informed City Council the item before them this evening is to approve Ordinance No. 3653. As outlined by Police Chief Jimmy Perdue, Governor Abbott modified his Executive Orders and it is necessary to amend the penalty provision for Ordinance No. 3645 that was approved by City Council on May 4, 2020. The proposed ordinance modifies the penalty provision to be consistent with the Governor's Executive Orders.

A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY MAYOR PRO TEM TURNAGE TO APPROVE ORDINANCE NO. 3653, AMENDING ORDINANCE NO. 3645 RELATING TO THE TEMPORARY MORATORIUM ON ALL DOOR-TO-DOOR SOLICITATION ACTIVITIES AND DISTRIBUTION OF HANDBILLS TO MODIFY THE PENALTY PROVISION FOR THE TEMPORARY MORATORIUM THAT EXPIRES ON JUNE 8, 2020.

MOTION TO APPROVE CARRIED 7-0.

F.3 CONSIDER INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR CORONAVIRUS (COVID-19) RELIEF FUND ALLOCATION.

APPROVED

City Manager Mark Hindman informed City Council that he received the interlocal agreement this afternoon and staff has not had time to review the document. Staff is recommending that City Council not take any action on the item. Mr. Hindman informed City Council that staff would bring the item forward at a special called meeting or the June 8, 2020 meeting.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY DEPUTY MAYOR PRO TEM RODRIGUEZ TO TAKE NO ACTION ON THE ITEM.

MOTION CARRIED 7-0.

EXECUTIVE SESSION

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

H. INFORMATION AND REPORTS - COUNCIL MEMBER ORR

H.1 ANNOUNCEMENTS

Council member Benton made the following announcements.

May 18, 2020

City Council Meeting Minutes

Page 10 of 11

The North Richland Hills Public Library reopened to the public today and the NRH Centre will reopen to members on Wednesday. Please review their website to review new health and safety protocols before your visit.

NRH2O Family Water Park is planning to reopen in early to mid-June, however the timing will be dependent on Governor Abbott's executive orders and the next phases of his Open Texas plan. Because the opening is later than normal, any season passes purchased prior to June 1 will be valid for this year as well as the 2021 season. Passes can be purchased online at nrh2o.com.

Kudos Korner - Police Department Employees of the Year - While the Police Department had to cancel their annual awards banquet at the end of March, they did recently recognize and honor employees via teleconference including:

- Supervisor of the Year - Sergeant Dustin Black
- Officer of the Year - Detective Tiffany Ward
- Rookie of the Year - Officer Joe West
- Civilian of the Year - Christi Garcia

Congratulations to these employees. If you see them out in the community, please thank them for a job well done.

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 9:43 p.m.

Oscar Trevino, Mayor

Alicia Richardson, City Secretary