

**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
JANUARY 9, 2023**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 9th day of January at 5:00 p.m. in the City Council Workroom prior to the 5:30 p.m. regular City Council meeting.

Present:	Rita Wright Oujesky	Place 2
	Suzy Compton	Place 3
	Mason Orr	Place 4
	Blake Vaughn	Place 5
	Scott Turnage	Associate Mayor Pro Tem, Place 6
	Kelvin Deupree	Deputy Mayor Pro Tem, Place 7
Council Absent:	Oscar Trevino	Mayor
	Tito Rodriguez	Mayor Pro Tem, Place 1
Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Jimmy Perdue	Director of Public Safety
	Traci Henderson	Assistant City Secretary
	Maleshia McGinnis	City Attorney
Staff Absent:	Alicia Richardson	City Secretary/Chief Governance Officer

CALL TO ORDER

1. DISCUSS ITEMS FROM REGULAR CITY COUNCIL MEETING

City Manager Mark Hindman stated there was one area of clarification for related items on the consent agenda and called on Director of Public Safety Jimmy Perdue to provide an overview of The Texas Anti-Gang Center (TAG) Grant.

Mr. Perdue shared with City Council that in 2014 he asked City Council for permission for North Richland Hills to be the fiduciary for the Texas Anti-Gang group . The TAG group came from Governor Abbott's program, which indicated the state needed a more centralized way of combating gangs across Texas.

As the fiduciary, all funds go through the city to pay for anything related to TAG. Mr. Perdue continued that the city is a pass through, all the employees are contract employees and the city does not reap any direct benefit. The city provides a 30% fringe benefit to the employees but they are not on the city's benefits. These items go through our purchasing department and the city is reimbursed by the state. There are a total of 16 entities in the TAG (seven local, three county, two state and four federal).

Since 2014, the city has administered over 17 million dollars that is supported by police staff, legal and purchasing departments. There is a small five percent (5%) administrative fee benefit that the city receives. The items on tonight's agenda to purchase cars, the extension of the staff agreements, and the addition of the analyst position is consistent with what the city has done in the past. Mr. Perdue was available for questions.

2. DISCUSS REQUEST TO CONSIDER CHANGES TO THE CITY'S CODE OF ORDINANCES - ARTICLE II. PUBLIC NUISANCES GENERALLY AND ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 118-715 TEMPORARY USES AND BUILDINGS.

Mr. Hindman indicated there were items Council member Vaughn wanted to bring forward that included public nuisances, specifically chickens and special events.

Council member Vaughn stated in visiting with residents the question of chickens came up quite often with opinions on both sides. Citizens shared that with the rising costs of groceries, they would like the ability to provide their own eggs for their families. Mr. Vaughn stated through his minimal research that three chickens would feed a family of five. Currently, citizens must have one (1) acre before any chickens are allowed. Mr. Vaughn would like staff to research neighboring cities regulations and potential alternatives to the city's current regulations. He wants to understand why we have the regulations that we do, the pros and cons of the regulations and potential changes that could be made.

Mr. Hindman stated staff had prepared some information and called on Deputy City Manager Paulette Hartman.

Ms. Hartman shared the current North Richland Hills ordinances addressing chickens:

AG agriculture and R-1-S special single-family zoning districts one (1) acre or larger.
Restricted to properties for the first acre and one for every full acre thereafter.
Kept at a distance of greater than 50' of any residential structure or inhabited building.
Kept within enclosures or cages at all times.
Must adhere to all other provisions of Chapter 14 of City Code such as providing basic care, food, water, and shelter.

Ms. Hartman stated staff researched 29 DFW municipalities to compare ordinances specific to chickens and roosters. Below are the averages of the 29 municipalities.

Allow backyard chickens on residentially zoned properties:

23 - allow backyard chickens

Five (5) - average number of chickens allowed on a residential property

53.7' - average distance from any regulated or adjacent structure

Six feet- average distance from property line

Prohibit backyard chickens on residentially zoned properties:

Six (6)- prohibit backyard chickens

Roosters:

17- ownership prohibited

Four (4) - ownership allowed

125' - minimum distance from inhabited residence, business, or structure

1.3 - average number allowed

Ms. Hartman provided a brief survey of surrounding communities.

Fort Worth

Allows 12-50 chickens depending on lot size

50' minimum from any regulated structure

Richland Hills

Allows 15 hens or 14 hens and one (1) rooster

Haltom City

Allows up to 20 chickens

Lot must be 10,000 + square feet

100' minimum from an any adjacent residential structure

Colleyville

Allows an unspecified number of hens

Five (5) foot minimum from any property line- (Animal Ordinance)

50' minimum from any property line- (Environmental Ordinance)

Watauga

Allows six (6) backyard chickens

Requires permit (\$60 permit fee)

Requires attendance in an educational program regarding ownership of backyard chickens

Five foot (5) minimum from any property line

Keller

Allows up to 12 chickens

Lot must be 8,400 + square feet

Five foot (5) minimum from any property line

Grapevine

Allows chickens as long as they are kept 50' from any building

Zoning requires 100' minimum from an any property line

Flower Mound

Allows four (4) hens

10' minimum from any property line

Zoning requires 50' minimum from any property line

Ms. Hartman stated that staff is currently working on updating the Animal Control Ordinance and other city ordinances to ensure they are not contradicting. Ms. Hartman was available to answer questions.

Council member Wright Oujesky asked if the current regulations were one chicken per acre, two chickens per two acres and if the chickens had to be penned or cooped?

Ms. Hartman responded that this is currently how the ordinances would be interpreted and the chickens are required to be penned. Ms. Hartman stated that the current zoning ordinance allows for chickens in agricultural (AG), single family residential (R1S) and on one (1) acre lot size.

Council member Orr asked how much time code spent enforcing the number of chickens?

Director of Neighborhood Services Stefanie Martinez stated the department receives four to five calls a year. Typically, once staff visits and educates the resident, they will reduce the number of chickens. The department has experienced an increase in calls.

Council member Vaughn asked if there was any distinction between chickens and roosters in the current ordinance?

Ms. Hartman stated there is no distinction between chickens and roosters in the current ordinance.

Ms. Martinez stated that the noise ordinance could come into effect with roosters.

Council member Vaughn stated other feedback he received regarding chickens were attracting coyotes, wildlife and rats and the city should consider this when moving forward with any changes that may be made.

Council member Compton asked that of the cities polled, did they provide any pros or cons on this matter?

Ms. Hartman responded that staff had not reached out to the cities individually, staff researched their ordinances online.

City Council discussed the restrictiveness of the city's ordinance; chickens being a nuisance; additional work for code enforcement; actual cost of raising chickens; attraction of wildlife and rodents; leaving the ordinance in place; responsibility of citizens; flexibility for citizens; roosters; potential educational opportunities for home schooled children; "rolling back" portions of an ordinance once put in place; property rights; property values; and enforcement issues.

Mr. Hindman stated staff would come back with pros and cons and perspectives from other cities. Staff will bring back options based on comparisons and conversations with cities. Mr. Hindman said staff would also look at other animals as well.

Ms. Hartman stated this would be a good time to address this issue as it falls in line with updating the Animal Control Ordinance.

Mr. Hindman introduced the item regarding special events and stated that staff could come back with a history of how we got to the current restrictions and tonight Ms. Hartman would provide an overview on the current ordinance.

Ms. Hartman shared there is an appeals process in the regulations. Currently Christian Classic Cruisers filed an appeal to the Planning and Zoning Commission regarding the limit of four events per location.

Council member Orr asked if the Planning and Zoning Commission has the final say or could it come to City Council?

Mr. Hindman responded that yes it could come to City Council.

Council member Vaughn asked if it is one appeal per event or one appeal to finalize their schedule for the rest of the year?

Ms. Hartman responded that it depends on how they apply for their permit. Christian

Classic Cruisers applied for all four permits at one time and is appealing the denial of the fifth permit. Ms. Hartman shared that this is the first time the city has taken a request through the appeals process.

Mr. Hartman provided current provisions in the current North Richland Hills ordinance.

Zoning Ordinance adopted 1993 (Ord. No. 1874)

Permit required

"For-Profit" temporary events.

Only one event shall be allowed for not more than 30 consecutive days per calendar year

Freeway or large site events allowed six (6) special sales events per calendar year

200,000 sq ft or >5 acres

Maximum of 10 days each with a minimum 30 days between events

"Non-Profit" temporary events.

A maximum of four (4) permits for non-profit fund raising per calendar year

Exception for public school sponsored events held on school property

For-profit business may allow the use of their property for non-profit sponsored fund raising (no more than four (4) per calendar year)

One non-profit sponsored circus or carnival may be counted as one (1) of the four (4) annual non-profit events

No more than three (3) consecutive days

Shall demonstrate adequate parking and sanitary facilities

Maximum of 10 days each with a minimum 30 days between events

Operation allowed between 8:00 a.m. and 11:00 p.m.; Saturday 8:00 a.m. to Midnight

Ms. Hartman continued that staff researched 29 DFW municipalities to compare definitions ranging from special event, mass gathering (500+) to community events.

Permits:

28 - Require permits

26 - Have fees associated with permits

10 - Limit number of events per year

13 - Limit number of days per event

Ms. Hartman provided a brief survey of surrounding communities:

Fort Worth

Permit required (timeline based on attendance)

Permit fee required at the time of application

Richland Hills

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Permit required (carnival, community sale, parade, block party)
Permit fee \$50.00

Haltom City

Permit required
Permit fee \$25.00

Colleyville

Permit required
Permit fee (\$250 Mass gathering)

Watauga

Permit required
Permit fee \$25.00

Keller

Permit required
Considered a temporary use in zoning ordinance
Limited to 30 day sale, twice annually
Carnival/circus permit required (\$500 fee limited to five (5) days)

Grapevine

Permit required
Permit fee \$25.00

Flower Mound

Permit required
Permit fee \$100.00
Maximum of six (6) special events per year to same address/property, owner/business owner

Ms. Hartman was available to answer questions.

Council member Vaughn shared his thoughts on event limitations to a certain property; arbitrary/particular number of events; limitations to businesses holding a non-profit event on their own property; recognizing unused properties who gain income from certain events on their property over time takes away the incentive of the owner to make something of the property; responsibility of the business owner and event coordinators; and more convenient appeals process.

Council member Wright Oujesky stated she would like the city to have a permit fee.

Ms. Hartman replied that a permit fee is something that will be included.

Mr. Hindman stated that staff would come back to City Council with more information at a later date.

3. DISCUSS CHARTER REVIEW TASK FORCE RECOMMENDATIONS FOR 2023 CHARTER AMENDMENT ELECTION.

Associate Mayor Pro Tem and Charter Review Task Force Chair Scott Turnage stated that City Council would have other opportunities to speak about the updates to the City Charter and recommendations from the Task Force. Mr. Turnage acknowledged the citizen volunteers and noted the changes were housekeeping items to ensure the City Charter did not conflict with state law and other city ordinances.

Council member Compton commented that she appreciates the committee and the work done on the City Charter.

EXECUTIVE SESSION

Deputy Mayor Pro Tem Deupree announced at 5:41 p.m. that the City Council would not convene into executive session. These items would be moved to the next scheduled City Council meeting.

- 1. SECTION 551.087: DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS - 8735, 8859 AND 8867 BOULEVARD 26.**
- 2. SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY - 8735, 8859 AND 8867 BOULEVARD 26.**

REGULAR MEETING

A. CALL TO ORDER

Deputy Mayor Pro Tem Deupree called the meeting to order January 9, 2023 at 5:47 p.m.

Present:	Rita Wright Oujesky	Place 2
	Suzy Compton	Place 3
	Mason Orr	Place 4
	Blake Vaughn	Place 5
	Scott Turnage	Associate Mayor Pro Tem, Place 6
	Kelvin Deupree	Deputy Mayor Pro Tem, Place 7

Council Absent:	Oscar Trevino	Mayor
	Tito Rodriguez	Mayor Pro Tem, Place 1

Staff Members: Mark Hindman City Manager
Paulette Hartman Deputy City Manager
Jimmy Perdue Director of Public Safety
Traci Henderson Assistant City Secretary
Maleshia McGinnis City Attorney

Staff Absent: Alicia Richardson City Secretary/Chief Governance Officer

A.1 INVOCATION

Council member Wright Oujesky gave the invocation.

A.2 PLEDGE

Council member Wright Oujesky 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 COUNCIL MEMBER COMPTON, SECONDED BY ASSOCIATE MAYOR PRO TEM TURNAGE TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 6-0.

- B.1 APPROVE MINUTES OF THE DECEMBER 12, 2022 REGULAR CITY COUNCIL MEETING.**
- B.2 MODIFY THE 2023 CITY COUNCIL MEETING SCHEDULE.**
- B.3 PLAT22-0030 CONSIDERATION OF A REQUEST FROM CONVERGENCE CAPITAL FOR A FINAL PLAT OF BERRY CREEK VILLAGE PHASE 1, BEING 4.141 ACRES LOCATED IN THE 9000 BLOCK OF MID-CITIES BOULEVARD.**
- B.4 CONSIDER ORDINANCE NO. 3774, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES, BY ADOPTING ARTICLE V, SECTION 50-60, POSSESSION OF A USED CATALYTIC CONVERTER.**
- B.5 AUTHORIZE THE PURCHASE OF TWO FORD EXPLORERS FROM SAM PACK'S FIVE STAR FORD IN THE AMOUNT OF \$67,254.32 USING BUYBOARD CONTACT NO. 601-19 AND THE TEXAS ANTI-GANG CENTER GRANT #2848908 FUNDING, AND CONSIDER RESOLUTION NO. 2023-002 AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONAL ASSET TRANSFER ADDENDUM WITH THE DALLAS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE.**
- B.6 AUTHORIZE THE CITY MANAGER TO EXECUTE THE ELEVENTH AMENDMENT TO THE TEXAS ANTI-GANG (TAG) CENTER ANALYST AGREEMENT, AS GRANT FIDUCIARY FOR THE TAG CENTER GRANT #2848908, INCREASING THE ANNUAL RATE OF COMPENSATION FOR THE TAG CENTER ANALYST TO \$89,477.25.**
- B.7 AUTHORIZE THE CITY MANAGER TO EXECUTE THE EIGHTH AMENDMENT TO THE TEXAS ANTI-GANG (TAG) CENTER ADMINISTRATOR AGREEMENT, AS GRANT FIDUCIARY FOR THE NORTH TEXAS ANTI-GANG (TAG) CENTER, INCREASING THE ANNUAL RATE OF COMPENSATION FOR THE TAG CENTER ADMINISTRATOR TO \$171,607.12.**
- B.8 AUTHORIZE THE CITY MANAGER TO EXECUTE A TEXAS ANTI-GANG (TAG) CENTER ANALYST AGREEMENT WITH JESSICA MAST IN AN AMOUNT OF \$49,649.25 PRO-RATED FOR SEVEN MONTHS.**
- B.9 CONSIDER RESOLUTION NO. 2023-001, APPOINTING AND REMOVING MEMBERS TO THE YOUTH ADVISORY COMMITTEE FOR THE 2022/2023 ACADEMIC YEAR.**
- B.10 AUTHORIZE PURCHASE OF FITNESS EQUIPMENT FOR THE NRH CENTRE FROM ADVANCED HEALTHSTYLES FITNESS EQUIPMENT INC., IN THE AMOUNT OF \$119,736.40, USING BUYBOARD CONTRACT NO. 665-22.**

B.11 APPROVE PURCHASE FROM VECTOR CONCEPTS, INC. FOR FLOOR COVERINGS FOR THE NRH CENTRE MULTI-PURPOSE ROOM, SENIOR CENTER ACTIVITY ROOMS A & B, SENIOR CENTER DINING ROOM AND THE GRAND HALL IN AN AMOUNT NOT TO EXCEED \$129,880.81 USING BUYBOARD CONTRACT NO. 641-21 AND 642-21.

C. PUBLIC HEARINGS

There were no items for this category.

D. PLANNING AND DEVELOPMENT

There were no items for this category.

E. PUBLIC WORKS

E.1 AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH HALFF ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$199,879 FOR DESIGN OF THE MEADOW LAKES BFC-7 DRAINAGE IMPROVEMENTS PROJECT (DR2303).

APPROVED

Public Works Director Caroline Waggoner presented items E.1, E,2 and E3.

Ms. Waggoner provided information and site-photos of the Meadow Lakes - BFC-7 drainage improvements, Northwest Stonybrooke drainage improvements and the Stream LB-1 bank restoration project. Ms. Waggoner was available to answer questions.

Council member Orr asked about possible efficiencies using the same firm instead of three different firms?

Ms. Waggoner responded that these existing firms have specialties in the specific project areas. However, one firm is new and the city is currently building relationships with them. Ms. Waggoner also indicated staff is always considering efficiencies and looking for a bundled approach when possible.

Associate Mayor Pro Tem Turnage asked if there was some type of obstruction at the bank failure location?

Ms. Waggoner responded that there was a build up of dirt on the culverts and heavy vegetation had occurred on top of the apron causing flooding conditions.

Associate Mayor Pro Tem Turnage asked about the homes on the Meadow Lakes project. He asked for confirmation that the homes outlined in blue on the map were now in the flood plain and the homeowners have been notified?

Ms. Waggoner confirmed the homes were new to the floodplain area and the homeowners had been notified.

Council member Wright Oujesky asked if the trash coming through the culvert from the north side of 820 into the Meadow Lakes area could be addressed?

Ms. Waggoner responded that the city had retrofitted a number of storm drain inlets, specifically on the north side with screens to assist with capturing floatables into the system. Some of the inlets are in both commercial and residential areas which would include leaf clippings. Ms. Waggoner said that the scope of the project is limited to this area. Staff will look into the issue.

City Council had no more questions for staff.

A MOTION WAS MADE BY ASSOCIATE MAYOR PRO TEM TURNAGE, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH HALFF ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$199,879 FOR DESIGN OF THE MEADOW LAKES BFC-7 DRAINAGE IMPROVEMENTS PROJECT (DR2303).

MOTION TO APPROVE CARRIED 6-0.

E.2 AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC., IN AN AMOUNT NOT TO EXCEED \$58,400 FOR DESIGN OF THE NW STONYBROOKE DRAINAGE IMPROVEMENTS PROJECT (DR2302).

APPROVED

This item was presented in conjunction with item E.1 and E.3.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY ASSOCIATE MAYOR PRO TEM TURNAGE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC., IN AN AMOUNT NOT TO EXCEED \$58,400 FOR DESIGN OF THE NW STONYBROOKE DRAINAGE IMPROVEMENTS PROJECT (DR2302).

MOTION TO APPROVE CARRIED 6-0.

E.3 AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BAIRD HAMPTON & BROWN, INC., IN AN AMOUNT NOT TO EXCEED \$111,577 FOR THE STREAM LB-1 BANK RESTORATION PROJECT (DR2301).

APPROVED

This item was presented in conjunction with item E.1 and E.2.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY COUNCIL MEMBER VAUGHN TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BAIRD HAMPTON & BROWN, INC., IN AN AMOUNT NOT TO EXCEED \$111,577 FOR THE STREAM LB-1 BANK RESTORATION PROJECT (DR2301).

MOTION TO APPROVE CARRIED 6-0.

F. GENERAL ITEMS

There were no items for this category.

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

Deputy Mayor Pro Tem Deupree announced that City Council did not convene into Executive Session.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Council member Compton made the following announcements.

Registration is open for the next Citizens Police Academy. Classes will be held on

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Thursday evenings from February 2 through April 27. You can find more information and register online at nrhtx.com/cpa.

The city reminds residents and businesses to turn irrigation systems off when freezing weather is expected. This will prevent water from freezing on streets and sidewalks, which creates a dangerous situation. Newer irrigation systems come equipped with rain and freeze sensors. Those sensors should be checked periodically to verify they are still operating.

City Hall and other non-emergency city offices will be closed next Monday, January 16 for the Martin Luther King, Jr. holiday. The Library, Animal Adoption & Rescue Center and Senior Center will also be closed. The NRH Centre and Iron Horse Golf Course will be open. Garbage and recycling will be collected as normally scheduled.

Kudos Korner - Parks Maintenance Division - Tipps Canine Hollow Dog Park had to temporarily close last month after a tornado knocked down several trees and damaged the fence. A resident praised the Parks staff for finishing the cleanup and repairs so quickly. He stated: "Re-opening just a few days after a tornado? Now that's true dedication there. Hats off to the city of NRH for doing a great service to its citizens." Way to go Parks team!

I. ADJOURNMENT

Deputy Mayor Pro Tem Deupree adjourned the meeting at 6:07 p.m.

Kelvin Deupree, Deputy Mayor Pro Tem

Traci Henderson, Assistant City Secretary