

**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
APRIL 24, 2017**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 24th day of April at 6:00 p.m. in the City Council Workroom prior to the 7:00 p.m. regular Council meeting.

Present:	Oscar Trevino	Mayor
	Tim Welch	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tom Lombard	Council, Place 3
	Tim Barth	Council, Place 4
	Mike Benton	Council, Place 5
	Scott Turnage	Council, Place 6

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. Farmer	City Attorney

CALL TO ORDER

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

1. DISCUSS ITEMS FROM REGULAR CITY COUNCIL MEETING

Council member Turnage asked Council if they had any questions regarding item C.1 - SUP 2017-02, Ordinance No. 3456, following staff's email.

At the request of Council, Planning Manager Clayton Comstock advised that the city has not received a special use permit application for an accessory building larger than 1,000 square feet. Since the passage of Ordinance No. 3343 (December 2014), the city received one application for a separate living area at an existing residence located on Smithfield Road.

Chief Building Official Dave Pendley informed Council since passage of Ordinance No. 3343, there have been approximately six accessory structures permitted that are greater than 500 square feet and less than 1,000 square feet.

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

City Secretary Alicia Richardson introduced Traci Henderson who started employment with the city on April 17. Ms. Henderson is the newly appointed assistant city secretary.

EXECUTIVE SESSION

Mayor Trevino announced at 6:04 p.m. that the City Council would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.072: deliberate the purchase, exchange, lease or value of real property - (1) Iron Horse Boulevard at Browning Drive, (2) 6609 Davis Boulevard, (3) 6617 Davis Boulevard, and (4) 9005 Grand Avenue; and Section 551.087: deliberate regarding economic development negotiations - 9005 Grand Avenue. Executive Session began at 6:11 p.m. and concluded at 6:37 p.m.

Mayor Trevino announced at 6:38 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 April 24, 2017 at 7:01 p.m.

Present:	Oscar Trevino	Mayor
	Tim Welch	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tom Lombard	Council, Place 3
	Tim Barth	Council, Place 4
	Mike Benton	Council, Place 5
	Scott Turnage	Council, Place 6

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

A.1 INVOCATION

Council member Rodriguez gave the invocation.

A.2 PLEDGE

Council member Rodriguez, with the assistance of boys scouts from Pack 525 and Troop 179, 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 TURNAGE TO APPROVE THE CONSENT AGENDA.

MOTION TO APPROVE CARRIED 7-0.

B.1 APPROVE MINUTES OF THE REGULAR APRIL 10, 2017 CITY COUNCIL MEETING.

B.2 AUTHORIZE CITY MANAGER TO EXECUTE A COOPERATIVE PURCHASING AGREEMENT FOR SLURRY SEALING WITH THE TOWN OF HIGHLAND PARK.

B.3 APPROVE AWARD OF BID NO. 17-009 FOR ANNUAL NRH2O FOOD SERVICE PRODUCTS TO MULTIPLE VENDORS IN AN AMOUNT NOT TO EXCEED \$175,000.

Due to the number of public hearing items, Mayor Trevino announced that Council would move to item D.1.

D.1 FP 2016-16 CONSIDERATION OF A REQUEST FROM SPRY SURVEYORS FOR A FINAL PLAT OF LOTS 4 AND 5, BLOCK 13, MEADOWVIEW ESTATES ADDITION ON 0.9652 ACRES LOCATED AT 8501 RUMFIELD ROAD.

APPROVED

Principal Planner Clayton Husband informed Council the applicant is requesting a final plat for 0.9652 acres located at 8501 Rumfield Road. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is R-1 single family residential. Mr. Husband presented site photos of the property.

Applicant representative Trevor Truss, Hamilton Duffy, 8241 Mid Cities Boulevard, Suite 100, presented request and was available to answer questions from Council. The purpose of the request is to cut the property into two lots. Mr. Truss informed Council that utilities have been extended and access to property will be off Chuck Road.

Mr. Husband presented staff's report, both lots exceed requirement of the current zoning district. The existing residence (proposed Lot 5) has frontage access on Rumfield Road and the proposed Lot 4, which is located on the northern portion of the property has frontage and access from Chuck Drive. The Planning and Zoning Commission, at their April 6, 2017 meeting, recommended approval with a vote of 6-0. Staff recommends approval of FP 2016-16.

A MOTION WAS MADE BY MAYOR PRO TEM WELCH, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE FP 2016-16.

MOTION TO APPROVE CARRIED 7-0.

C. PUBLIC HEARINGS

C.1 SUP 2017-02, ORDINANCE NO. 3456, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM LARRY STEWART CUSTOM HOMES FOR A SPECIAL USE PERMIT FOR AN ACCESSORY BUILDING LARGER THAN 1,000 SQUARE FEET LOCATED AT 7416 BURSEY ROAD.

APPROVED

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

Mr. Husband informed Council the applicant is requesting a special use permit to authorize construction of a 1,284 square foot accessory building located at 7614 Bursey Road. The area is designated on the Comprehensive Land Use Plan as low density

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residential and the current zoning is single family residential. Mr. Comstock presented site photos of the property.

Applicant James Scott, 9100 Belshire Drive, North Richland Hills, presented request. Mr. Scott informed Council the accessory building will store his boat and complements the residence structure.

Mr. Husband presented staff's report. The proposed accessory building will be located near the southeast corner of the lot. The building will be located 20 feet off the rear property line, which exceeds the regulation of 10 feet. The building complies with all standards, with the exception of size and height of the building. The Development Review Committee reviewed the request and recommended denial based on the recent change to the city's Code of Ordinances regarding maximize size for accessory buildings and requirement of special use permit for buildings larger than 1,000. The Planning and Zoning Commission, at their April 6, 2017 meeting, recommended approval with a vote of 4-2, subject to the stated special use permit conditions--one permanent accessory building on the property; building size not exceed 1,284 square feet; building height not exceed 16 feet 6.75 inches in overall height; and greater setbacks. Staff recommends denial based on the recent adoption of a policy to set the maximum size of accessory buildings at 1,000 square feet.

In response to Council member Lombard's question, Mr. Husband informed Council the city has issued approximately 100 permits following the change to the city's Code of Ordinances regarding accessory buildings. Of the 100 permits, only 5% were issued for accesory buildings larger than 500 square feet. The city has not received any applications for an accessory building larger 1,000 square feet.

Mayor Trevino asked for anyone wishing to speak on the item to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER TURNAGE TO APPROVE ORDINANCE NO. 3456.

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

C.2 ZC 2017-01, ORDINANCE NO. 3457, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM NICK CRAIG FOR A ZONING CHANGE FROM C-1 COMMERCIAL TO NR-PD NON-RESIDENTIAL PLANNED DEVELOPMENT ON 6.91 ACRES LOCATED AT 8500 CARDINAL LANE.

APPROVED

Mayor Trevino opened the public hearing and called on Planning Manager Clayton Comstock to introduce the item.

Mr. Comstock informed Council the applicant is requesting a zoning change for 6.91 acres located at 8500 Cardinal Lane for the purpose of developing an assisted living center and memory care facility. The area is designated on the Comprehensive Land Use Plan as Retail and the current zoning is C-1 commercial. Mr. Comstock presented site photos of the property.

Applicant representatives Mark Wood with Howe/Wood and Company, located at 6617 Precinct Line Road and Nick Craig with StoneCreek Real Estate Partners, located at 4329 Reeder Drive, Carrollton, Texas presented the request. Mr. Craig reviewed market analysis and site selection process. He provided an overview of the project to include example renderings.

Mr. Comstock presented staff's report. He reviewed the proposed site plan, which includes a two-story building with 76 beds in the assisted living portion and 24 beds in the memory care unit. The property will have direct access to Mid Cities Boulevard and a driveway off Amundson Road North. Due to adjacent residential properties, there is no access along Cardinal. The southeast corner of the property has a driveway access easement for additional access on Mid Cities Boulevard. The development will have ten (10) cottage units on the north and east sides of the site. The applicant proposes 70 parking spaces for the office and 62 spaces for the assisted living facility. Mr. Comstock reviewed the floor plans, landscape plan, building elevations, cottage elevations, cottage floor plan, and office building concept. The Development Review Committee (DRC) believes the assisted living facility would have a low economic development spinoff from lower discretionary spending; an undisputed effect on Fire/EMS service demand; the property is one (1) of five (5) along Mid Cities Boulevard with five (5) acres or greater, which makes it a viable office/commercial corridor; and the city has a fair share of such facilities for Northeast Tarrant County. For these reasons, the DRC recommends denial. Should City Council elect to approve the application, staff recommends the following conditions:

- (1) Install four (4) additional deciduous canopy trees along the southern facade of the building. A large patio is proposed on the south side of the building. If this area is to be used in the summer months, it should be as shaded as possible to reduce the heat from direct sunlight.
- (2) Remove or underground the aerial utilities along Cardinal Lane. This was a specific recommendation of the 1997 Mid-Cities Boulevard Corridor Study.
- (3) Defer the 55 parking spaces on the south side of the site adjacent to the office pads until the office buildings are developed.

The Planning and Zoning Commission, at their April 6, 2017, recommended approval with a vote of 6-0, subject to the following:

(1) Install four (4) additional deciduous canopy trees along the southern facade of the building. A large patio is proposed on the south side of the building. If this area is to be used in the summer months, it should be as shaded as possible to reduce the heat from direct sunlight.

(2) Defer the 55 parking spaces on the south side of the site adjacent to the office pads until the office buildings are developed.

Mr. Comstock informed Council the ordinance before them this evening includes the recommendation of staff to remove or underground the aerial utilities along Cardinal Lane.

Council and staff discussed the request, specific to number of office/commercial properties currently located on Mid Cities between Davis Boulevard and Precinct Line Road; request to underground, relocate or remove utilities along Cardinal Lane; 9-1-1 calls initiated from assisted living facilities and number of calls at applicant's Flower Mound facility; and size of facility in Flower Mound compared to North Richland Hills.

Mayor Trevino asked for anyone wishing to speak on the item to come forward.

Mr. David Medina, 8525 Mid Cities Boulevard, informed Council his only concern is with traffic. He understands at one time a traffic signal light would be located at Ice House and Cardinal. He inquired about the status of the traffic signal light.

City Manager Mark Hindman commented that the traffic signal light is still in the plans, and would be installed when the volume in Hometown warrants the installation of a traffic signal light.

Mr. Mark Tolsen, 6025 Winterpark Drive, North Richland Hills, spoke in favor of the request.

A MOTION WAS MADE BY MAYOR PRO TEM WELCH, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ORDINANCE NO. 3457, TO INCLUDE STIPULATIONS, WITH THE EXCEPTION OF THE RELOCATION OF UNDERGROUND UTILITIES.

MOTION TO APPROVE CARRIED 7-0.

C.3 ZC 2017-02, ORDINANCE NO. 3458, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM EAST STAR DESIGN FOR A ZONING CHANGE FROM C-1 COMMERCIAL TO RD-PD REDEVELOPMENT PLANNED DEVELOPMENT ON 1.03 ACRES LOCATED AT 7407 BOULEVARD 26.

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 zoning change for 1.03 acres located at 7407 Boulevard 26 for the purpose of constructing a Burger King. The area is designated on the Comprehensive Land Use Plan as retail and the current zoning is C-1 commercial. Mr. Husband presented site photos of the property.

Applicant representative C.J. Develder, Corporate Counsel, for Sun Holdings Incorporated, 3318 Forest Lane, Suite 200, Dallas, Texas 75234, presented request. The request is for a quick service restaurant (Burger King) and a connected retail shell space with 1,800 square feet.

Mr. Husband presented staff's report. The proposed site plan illustrates one-way pattern with two access points on Boulevard 26 and Daley Avenue. The drive-through standards adopted in 2015 are addressed and satisfied, with the exception of the located miniboard speaker. The location of the miniboard speaker is the result of applicant shifting the building to anticipate future improvements and right-of-way improvements on Boulevard 26. The landscape plan is compliant with city regulations. The Planning and Zoning Commission, at their April 6, 2017 meeting, recommended approval with a vote of 6-0. Staff recommends approval of request.

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 WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER LOMBARD TO APPROVE ORDINANCE NO. 3458.

MOTION TO APPROVE CARRIED 7-0.

C.4 ZC 2017-04, ORDINANCE NO. 3459, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM M.J. WRIGHT & ASSOCIATES, INC., FOR A ZONING CHANGE FROM C-1 COMMERCIAL TO RD-PD REDEVELOPMENT PLANNED DEVELOPMENT ON 1.40 ACRES LOCATED AT 8409 HARWOOD ROAD.

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 zoning change for 1.40 acres located at 8409 Hardwood Road for the purpose of constructing a recreational vehicle storage facility. The area is designated on the Comprehensive Land Use Plan as commercial and the current zoning is C-1 commercial. Mr. Husband presented site photos of the property.

Applicant representative Keith Menefee and Michael Wright with M.J. Wright & Associates, 8233 Mid Cities Boulevard, Suite A, North Richland Hills, presented request and responded to questions from Council.

Council and staff discussed the request, more specifically the ability to maneuver vehicles, flushing out tanks, and dump station tying into city's sewer system.

Mr. Husband presented staff's report. The proposed building is 14,000 square feet and abuts residential property on the north and west sides, and as such, requires a 35-foot building setback. The landscaping and buffering regulations require 15% of the lot area be maintained as a landscaped area. The applicant has proposed 11.8%, and is requesting the landscape plan be approved as part of the planned development. The Development Review Committee (DRC) recommends denial of the zoning application based on the following:

- (1) The current development policy in North Richland Hills is to monitor closely the number and location of new automobile-related uses in order to reduce their proliferation and evaluate their effects on the community. To implement this policy, most automobile-related uses are subject to approval of a special use permit or other zoning action. One criterion used by DRC, the Planning and Zoning Commission, and City Council has been whether the use replaces and upgrades an existing like-use. For example, redevelopment of an existing car wash site is preferred over a new car wash developing on vacant land. While the site under consideration is currently developed as a car wash, the proposed recreational vehicle storage use is considered a new use of the property.
- (2) There is adequate market coverage of automobile and vehicle-related businesses in the general area.
- (3) Alternative locations exist for the storage of recreational vehicles at self-storage facilities in the general area.

The Planning and Zoning Commission, at their April 6, 2017 meeting, recommended approval with a vote of 5-1, subject to the revised building design and the stated planned

development conditions (in the ordinance). Staff's recommendation is to deny the request.

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.

Council member Turnage, seconded by Council member Lombard to approve Ordinance No. 3459, in accordance with the recommendations of the Planning and Zoning Commission having to do with the revised building design and stated PD conditions.

Council discussed the request to include language that will protect the edges of the storage facility garage.

COUNCIL MEMBER TURNAGE AMENDED MOTION, SECONDED BY COUNCIL MEMBER LOMBARD TO APPROVE ORDINANCE NO. 3459, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION HAVING TO DO WITH THE REVISED BUILDING DESIGN AND STATED PD CONDITIONS, AND TO INCLUDE LANGUAGE THAT WILL PROTECT THE EDGES OF THE STORAGE FACILITY GARAGE.

MOTION TO APPROVE CARRIED 4-3; WITH COUNCIL MEMBERS RODRIGUEZ, WRIGHT OUJESKY, AND BARTH VOTING AGAINST AND MAYOR PRO TEM WELCH AND COUNCIL MEMBERS LOMBARD, BENTON AND TURNAGE VOTING IN FAVOR.

C.5 SDP 2016-05, ORDINANCE NO. 3460, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM SKEETER & BUCKY, LP, FOR A SPECIAL DEVELOPMENT PLAN FOR IRON HORSE VILLAGE ON 9.17 ACRES LOCATED IN THE 6300-6400 BLOCKS OF IRON HORSE BOULEVARD. PUBLIC HEARING CONTINUED TO MAY 8, 2017.

APPROVED

Mayor Trevino opened the public hearing and announced that Council would not take comments from the public this evening. Per staff's recommendation, the public hearing will be continued to the May 8 City Council meeting.

A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO CONTINUE THE PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 3460 TO THE MAY 8, 2017 CITY COUNCIL MEETING.

MOTION TO APPROVE CARRIED 7-0.

D. PLANNING AND DEVELOPMENT

D.1 FP 2016-16 CONSIDERATION OF A REQUEST FROM SPRY SURVEYORS FOR A FINAL PLAT OF LOTS 4 AND 5, BLOCK 13, MEADOWVIEW ESTATES ADDITION ON 0.9652 ACRES LOCATED AT 8501 RUMFIELD ROAD.

City Council considered and took action on this item earlier in the meeting.

E. PUBLIC WORKS

There were no items for this category.

F. GENERAL ITEMS

F.1 APPROVE AWARD OF BID RFP NO. 17-008 TO KOMPAN, INC. FOR THE DESIGN, MANUFACTURE AND INSTALLATION OF PLAYGROUND EQUIPMENT, FALL ZONE MATERIAL, AND SHADE ELEMENTS AT GREEN VALLEY PARK IN THE AMOUNT OF \$190,000.00

APPROVED

Mayor Trevino called on Senior Park Planner Joe Pack to present item.

Mr. Pack presented item and was available to answer questions.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE RFP NO. 17-008.

MOTION TO APPROVE CARRIED 7-0.

F.2 CONSIDER RESOLUTION NO. 2017-023, APPOINTING A MEMBER TO THE STRATEGIC PLAN COMMITTEE.

APPROVED

Planning Manager Clayton Comstock informed Council that Melissa Kates had to resign

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her position on the Strategic Plan Committee. Mayor Trevino recommends Karen Russell be appointed to fulfill the vacancy created by Ms. Kates.

A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY COUNCIL MEMBER BARTH TO APPROVE RESOLUTION NO. 2017-023, APPOINTING KAREN RUSSELL TO THE STRATEGIC PLAN COMMITTEE.

MOTION TO APPROVE CARRIED 7-0.

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

APPROVED

A MOTION WAS MADE BY MAYOR PRO TEM WELCH, SECONDED BY COUNCIL MEMBER LOMBARD TO APPROVE AGREEMENT WITH TRES HOMBRES LLC FOR THE PURCHASE OF PROPERTY AND ASSOCIATED SERVICES LOCATED AT 6617 DAVIS BOULEVARD, AND AUTHORIZE EXECUTION OF DOCUMENT NECESSARY TO ACCEPT AN ASSIGNMENT, AND TO PURCHASE PROPERTY LOCATED AT 6609 DAVIS BOULEVARD IN THE TOTAL AMOUNT NOT TO EXCEED \$325,500, PLUS CLOSING COSTS.

MOTION TO APPROVE CARRIED 7-0.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Council member Turnage made the following announcements.

The Sounds of Spring Concert Series continues every Friday night through May 19. This Friday, Memphis Soul will perform starting at 7:00 p.m. on the NRH Centre Plaza. Admission and parking are free. There will be a variety of food trucks and activities for kids. Find more information online or by calling the NRH Centre.

The NRH Animal Adoption & Rescue Center and the Texas Coalition for Animal Protection will host a low cost pet vaccination clinic from 10:00 a.m. to noon on Saturday, April 29 at the center located at 7301 Iron Horse Boulevard. The clinic will offer rabies vaccinations for only \$5.00. For more information, please visit our website or call the Animal Adoption & Rescue Center.

The Firefighters Association's Fill the Boot campaign benefitting the Muscular Dystrophy Association is scheduled for Saturday and Sunday, April 29 and 30, from 8:00 a.m. to 10:00 a.m. each day. They will be accepting donations at the intersection of Mid Cities and Davis Boulevard and the intersection of Boulevard 26 and the Northeast Loop 820 Service Road.

Kudos Korner - Joe Walley at Municipal Court - A citizen called to thank Joe for his compassion and consideration during a busy and hectic morning at the municipal court. The man's wife was in labor at the hospital. When he arrived at court and saw the massive line, he worried he would miss the birth of his child. However hearing about his situation, Joe chose to take him to the front of the line. The citizen was surprised and very thankful for this kind gesture.

I. ADJOURNMENT

Mayor Trevino adjourned the meeting at 9:32 p.m.

Oscar Trevino, Mayor

Alicia Richardson, City Secretary