

**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  
MARCH 25, 2019**

**WORK SESSION**

The City Council of the City of North Richland Hills, Texas met in work session on the 25th day of March at 6:00 p.m. in the City Council Workroom prior to the 7:00 p.m. regular City 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
	Tim Welch	Council, Place 7
Absent:	Scott Turnage	Council, Place 6
Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Karen Bostic	Assistant City Manager
	Jimmy Perdue	Managing Director of Public Safety
	Mike Curtis	Managing Director
	Alicia Richardson	City Secretary
	Maleshia B. McGinnis	City Attorney

**CALL TO ORDER**

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

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

Council member Lombard advised he has a conflict of interest with item F.3 and would abstain from discussion and voting.

**2. 2018 POLICE DEPARTMENT AND FIRE DEPARTMENT ANNUAL REPORTS**

Fire Chief Stan Tinney presented the 2018 annual report. The department responded to 8,354 calls for service. This is the third consecutive year the city has received over 8,000 calls. The department's response time (dispatch, turnout and travel) is six minutes

and eleven seconds. The city provides and receives mutual aid from area municipalities. The city responded to 622 calls for mutual aid and the city requested 165 calls for mutual aid. Chief Tinney reviewed the department's accomplishments for the year. The department received *Best Practice Recognition*; all engineers are certified as aerial operators; placed three apparatus units (engine and two aerials) in service and completed a successful ISO review in August.

Police Chief Jimmy Perdue presented the 2018 annual report. The department experienced a 6% decrease in Uniform Crime Report (UCR) Part I offenses compared to the previous year. Significant decreases were seen in aggravated assault and burglary. The department also experienced a 2% decrease in UCR Part II offenses, with a significant decrease in simple assaults and vandalism. The department issued 17,399 violations for the year. Chief Perdue reviewed the department's accomplishments for the year. The department implemented body worn cameras; volunteer program surpassed 100,000 hours of volunteer time; acquired SWAT tactical robot; implemented uAS (drone) program; conducted a joint active shooter integrated response training; conducted 5th annual women of law enforcement conference; record turnout for national night out; Facebook LIVE beat meetings; and victim assistance program. Chief Perdue informed City Council he previously provided the required racial profiling report, but did not include one chart. He advised that he would send City Council the chart under separate cover.

### **3. DISCUSSION OF SMITHFIELD TRANSIT ORIENTED DEVELOPMENT**

City Manager Mark Hindman informed City Council a consultant was hired to review and provide an assessment for the Smithfield Transit Oriented Development. He introduced Jason Claunch with Catalyst Commercial.

Mr. Claunch informed City Council he reviewed the vision and regulating plans for the Smithfield Transit Oriented Development (TOD). He was tasked with validating the vision for the TOD. The market demand includes: over 200,000 square feet of new retail/restaurants (10-minute drive time), 245 residential units annually and 16,000 square feet of office space. The city has the following factors, which will contribute to a successful TOD: vacant/available land that may be assembled, established vision (regulating plan), strong traffic counts, market demand for residential, retail and office and central location to area drivers (workforce, visitors, residents and commuters). He advised the majority of retail depends on the capture rate of wallet share within the primary trade area. The retail demand is based on a ten minute drive time from the station. Mr. Claunch reviewed traffic counts for streets that surround and are adjacent to the TOD. The identified roadblocks include: fragmented ownership; gap between established vision and market; lack of public infrastructure; lack of pedestrian connectivity from platform to greater development (especially Main St); competition with existing regional retail (HomeTown, Rufe Snow-Watauga and North East Mall) and lack of

marketing and brand recognition. Mr. Claunch commented the current TOD regulating plan is relevant as a guide for land use. He noted the percentage required for first floor commercial is aggressive. He stated that City Council and staff should maintain visions, but also consider variances that meet with the spirit of the regulating plan. The public infrastructure is a priority to activate the area and he recommends the following: (1) Main Street reconstruction - improvements, specifically area along Main to include Center and Snider; (2) Center Street connection; (3) mixed-use activation-development of 14 acres located along Davis Boulevard; (4) Smithfield activation-land assembly for South Main Street tract of land and (5) Main Street activation.

The next steps he sees for the city include: calibrate master plan and design concepts; create a merchandising strategy; develop and launch branding/marketing strategy; implement infrastructure/CIP; define incentive policy; create targeted list of developers; issue RFP and negotiate and execute development agreement.

#### **4. DISCUSSION OF IRON HORSE GOLF COURSE CAPITAL IMPROVEMENTS**

Managing Director of Community Services Vickie Loftice informed City Council discussion regarding capital improvements for the golf course began in July 2018 with the budget work session. City Council expressed an interest to make improvements at Iron Horse. Subsequently, an item was placed on the October 22, 2018 [sic] work session to discuss the best way to move forward with capital improvements. The city could either phase in smaller improvements as discussed in July, or take a comprehensive approach to planning and construction that would include professional design services, course analysis, flood study and irrigation design. Staff was directed to move forward with the comprehensive approach. At the October meeting, City Council and staff discussed the order and priority of improvements. City Council and staff discussed the playing areas, playing corridors and erosion. The desire was to focus on the playing areas and playing corridors. City Council also discussed the amount to invest in the capital improvements. Ms. Loftice advised that she recalled City Council indentifying 3 million for improvements. Following the October meeting, staff moved forward and issued a request for proposals. Three firms were interviewed and GolfScapes was selected for professional design services. Staff negotiated a fee for scope of services in an amount not to exceed \$285,000. Ms. Loftice reviewed cost projects for golf course improvements and the project timeline assumptions. Staff is bringing forward this item to seek Council's direction with staff's approach to issue bonds in the amount of 3.285 million. An item to consider the professional design services agreement is scheduled for the April 8, 2019 City Council meeting.

The consensus of City Council was to move forward with the project. City Council and staff discussed improvements that were included in the proposal. The question was raised about the pavilion. Ms. Loftice informed City Council the improvements did not include the pavilion. Council member Wright Oujesky commented that she would like the

clubhouse and pavilion to be updated.

Mayor Trevino recommended City Council wait for the results of the study.

## **EXECUTIVE SESSION**

There being no items posted for Executive Session, Mayor Trevino adjourned work session at 6:57 p.m.

## **REGULAR MEETING**

### **A. CALL TO ORDER**

Mayor Trevino called the meeting to order March 25, 2019 at 7:05 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
	Tim Welch	Council, Place 7

Absent:	Scott Turnage	Council, Place 6
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Staff Members:	Mark Hindman	City Manager
	Alicia Richardson	City Secretary
	Maleshia B. McGinnis	City Attorney

### **A.1 INVOCATION - COUNCIL MEMBER BARROW**

Council member Barrow gave the invocation.

### **A.2 PLEDGE - COUNCIL MEMBER BARROW**

Council member Barrow 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 WRIGHT OUJESKY TO APPROVE THE CONSENT AGENDA.**

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

**B.1 APPROVE MINUTES OF THE MARCH 4, 2019 REGULAR CITY COUNCIL MEETING.**

**B.2 AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY-HORN ASSOCIATES, INC. FOR THE NRH ACTIVE TRANSPORTATION PROJECTS FOR TRAIL AND ON-ROAD SYSTEMS IN THE AMOUNT OF \$113,500.**

**B.3 AUTHORIZE PAYMENT TO BOUND TREE MEDICAL, LLC FOR CONSUMABLE MEDICAL SUPPLIES FOR AN AMOUNT NOT TO EXCEED \$144,080, USING AN INTERLOCAL AGREEMENT WITH THE CITY OF CEDAR HILL.**

**B.4 APPROVE RESOLUTION NO. 2019-017, CONTINUING PARTICIPATION IN TARRANT COUNTY'S HOME INVESTMENT PARTNERSHIP PROGRAM.**

**C. PUBLIC HEARINGS**

**C.1 SUP 2018-08, ORDINANCE NO. 3573, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM SOHAIL DHARANI FOR A SPECIAL USE PERMIT TO ALLOW FUEL SALES AT 7605 BOULEVARD 26, BEING 0.6913 ACRES DESCRIBED AS LOT 1, BLOCK 2, RICHLAND TERRACE 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 special use permit to allow fuel sales at 7605 Boulevard 26. The property is located across the street from the

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City Point development. The area is designated on the Comprehensive Land Use Plan as retail and the current zoning is C-2 commercial. Mr. Comstock provided site photos of the property.

Applicant Sohail Dharani, 3100 Lackland Road, Fort Worth, presented request and was available to answer questions from Council. He informed City Council they have completed everything asked of them by the city.

Mr. Comstock presented staff's report. The site has an existing convenience store, fuel sales pump and canopy. The site has driveway access to Boulevard 26. The applicant submitted a landscape plan, which would be required to meet conditions of the special use permit. Additional required improvements include: replacement of existing trees with three inch caliper trees, paint refuse container doors to match building, ensure all light fixtures are parallel to the ground and irrigate all landscape areas. The conditions of the special use permit include: authorization of fuel sales in conjunction with convenience store; landscaping must be installed prior to issuance of certificate of occupancy; use of luminous tube lighting prohibited; consolidate driveways into single driveway (35 feet width maximum); construct a five foot wide sidewalk adjacent to Boulevard 26; provide vehicle connection and easement to adjacent property; special use permit expires three years from approval date and use is considered a legal non-conforming use and may continue operation. The Planning and Zoning Commission, at their March 7, 2019 meeting, recommended approval with a vote of 7-0.

Mayor Trevino asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Trevino asked if there was anyone in the audience 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 WELCH, SECONDED BY MAYOR PRO TEM BENTON TO APPROVE ORDINANCE NO 3573.**

**MOTION TO APPROVE CARRIED 4-2, WITH MAYOR PRO TEM BENTON AND COUNCIL MEMBERS RODRIGUEZ, LOMBARD AND WELCH VOTING FOR AND COUNCIL MEMBERS WRIGHT OUJESKY AND BARROW VOTING AGAINST.**

**C.2 TR 2019-01, ORDINANCE NO. 3574, PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTION 118-1 (DEFINITIONS), SECTION 118-565 (SCHEDULE OF PERMITTED USES BY CHARACTER ZONE), SECTION 118-631 (TABLE OF PERMITTED USES), SECTION 118-633 (SPECIAL LAND USE REGULATIONS), AND SECTION 118-711 (ALCOHOLIC BEVERAGES) OF THE NORTH RICHLAND HILLS ZONING ORDINANCE REGARDING ALCOHOL RELATED USES.**

**APPROVED**

Mayor Trevino opened the public hearing for TR 2019-01, Ordinance No. 3574 and called on Director of Planning Clayton Comstock to present item and its companion item F.1. He announced that City Council will take separate action on each item.

Mr. Comstock informed City Council the item before them this evening is to consider a text revision to the zoning ordinance regarding alcohol related uses. The revisions would add and define several new land uses in the zoning ordinance and provide associated development standards. The new land uses include: bar, brewpub, taproom or wine bar and brewery, winery or distillery. The revision also assigns land uses to appropriate categories and zoning districts. Companion item F.1, Ordinance No. 3576 incorporates reporting standards removed from the zoning ordinance and updates text as necessary to remove conflicting language and clarify regulations. A brewpub, tap room or wine bar would be allowed upon approval of a special use permit in zoning districts C-1, C-2, I-1, I-2, Town Center core. A bar would be allowed upon approval of a special use permit in zoning district C-2. A brewery, distillery or winery would be allowed upon approval of a special use permit in zoning districts I-1 and I-2. Mr. Comstock advised the land use for brewpub, tap room or wine bar in transit oriented development districts upon approval of a special use permit includes: Historic TOD, TOD Core, general mixed use (Iron Horse and Smithfield), arterial mixed use and high intensity mixed use. The land use for bar in transit oriented development districts upon approval of a special use permit includes: Historic TOD, TOD Core, arterial mixed use and high intensity mixed use.

Mayor Trevino asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Trevino asked if there was anyone in the audience 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 WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO APPROVE ORDINANCE NO. 3574.**

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

**F.1 CONSIDER ORDINANCE NO. 3576, AMENDING CODE OF ORDINANCES CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL, REGARDING PERMIT REQUIREMENTS FOR CERTAIN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.**

**APPROVED**

This item was presented in conjunction with item C.1.

**A MOTION WAS MADE BY COUNCIL MEMBER LOMBARD, SECONDED BY MAYOR PRO TEM BENTON TO APPROVE ORDINANCE NO. 3576.**

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

**C.3 TR 2019-02, ORDINANCE NO. 3575, PUBLIC HEARING TO CONSIDER AMENDMENTS TO ARTICLE II ADMINISTRATION AND ARTICLE III SITE PLANS OF THE NORTH RICHLAND HILLS ZONING ORDINANCE REGARDING THE EXPIRATION AND WITHDRAWAL OF APPLICATIONS.**

**APPROVED**

Mayor Trevino opened the public hearing and called on Director of Planning Clayton Comstock to present the item.

Mr. Comstock informed City Council the request is a text revision to the zoning ordinance. Staff has a number of applications on file that date back four to five years. If approved, Ordinance No.3575 authorizes staff to address expired applications related to zoning changes, special use permits, site plans and Zoning Board of Adjustment. Staff will be able to ensure applications progress through the development process in a timely manner. Staff proposes the applicant be notified in writing that his/her application will expire in 180 days after date of notice if: (1) applicant fails to respond to notice and (2) applicant fails to request extension of time. The application will be considered expired if the applicant fails to respond to the notice. Staff also proposes a 50% refund of the application fee. An expired application will become null and void and will require a new application, which will be subject to requirements in effect at time of most recent filing. An extension may be granted by the city for good cause shown based on good faith reasons provided by the applicant. If no action is taken, the application will automatically expire after extension period. The Planning and Zoning Commission, at their March 7, 2019 meeting, recommended approval with a vote of 7-0.

In response to Council member Lombard's question, Mr. Comstock informed City Council the extension period is considered on a case by case basis.

City Attorney Maleshia McGinnis informed City Council currently there is a process in

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place in which the applicant can withdraw their application. This amendment will provide due process and notice to applicants whose applications are older than 180 days.

In response to Council member Welch's question, Mr. Comstock informed City Council staff researched other cities to see if they refund any portion of the application fee. The majority of the expense is associated with publishing legal notices and staff time to place signs on property. Staff believed 50% of the application fee is justified.

Mayor Trevino asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing. There being no forms submitted, Mayor Trevino asked if there was anyone in the audience 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 WELCH, SECONDED BY COUNCIL MEMBER BARROW TO APPROVE ORDINANCE NO. 3575, WITH THE STIPULATION TO REMOVE REFUND OF APPLICATION FEE.**

**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 CONSIDER ORDINANCE NO. 3576, AMENDING CODE OF ORDINANCES CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLE I, IN GENERAL, REGARDING PERMIT REQUIREMENTS FOR CERTAIN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.**

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

**F.2 CONSIDER RESOLUTION NO. 2019-018, AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A CONTINUING DISCLOSURE AGREEMENT BETWEEN THE CITY OF NORTH RICHLAND HILLS AND THE TRINITY RIVER AUTHORITY OF TEXAS.**

**APPROVED**

Director of Finance Mark Mills presented item. The request before City Council is to approve Resolution No. 2019-018, authorizing the city manager to execute Trinity River Authority's (TRA) continuing disclosure agreement. Staff received a request from TRA to update the current continuing disclosure agreement to comply with changes to SEC Rule 15c2-12.

**A MOTION WAS MADE BY COUNCIL MEMBER RODRIGUEZ, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE RESOLUTION NO. 2019-018.**

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

**F.3 APPROVE AWARD OF BID NO. 19-009 TO DIPPIN' DOTS, L.L.C. FOR A THREE YEAR AGREEMENT TO PROVIDE BEADED ICE CREAM FOR RESALE AT NRH20 FAMILY WATER PARK IN AN AMOUNT NOT TO EXCEED \$78,000 ANNUALLY.**

**APPROVED**

Mayor Trevino announced that Council member Lombard has a conflict of interest and would abstain from discussion and voting on the item. Council member Lombard filed an affidavit of disqualification with the city secretary stating that his brother-in-law is an officer for the company.

*Council member Lombard left the dais at 7:42 p.m.*

NRH20 General Manager Frank Perez presented item. The City Council is being asked to approve a three year agreement with Dippin' Dots, L.L.C. to provide beaded ice cream at NRH20.

**A MOTION WAS MADE BY MAYOR PRO TEM BENTON, SECONDED BY COUNCIL MEMBER BARROW TO AWARD BID NO. 19-009 TO DIPPIN' DOTS, L.L.C.**

**MOTION TO APPROVE CARRIED 5-0-1, WITH COUNCIL MEMBER LOMBARD ABSTAINING.**

**F.4 AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE SALE OF UNIMPROVED CITY-OWNED PROPERTY AND EXECUTE ALL OTHER NECESSARY DOCUMENTS FOR THE SALE OF 4705 CUMMINGS DRIVE TO JOHN I. ESCOTO & MARY E. ESCOTO IN THE AMOUNT OF \$72,000.**

**APPROVED**

*Council member Lombard returned to the dais at 7:45 pm.*

Director of Economic Development Craig Hulse presented item. The item for City Council's consideration is a contract for sale of city owned property located at 4705 Cummings Drive. The purchaser will construct a single family home on the residential lot. In June 2015, a lien was filed to remedy substandard building conditions, which resulted in the house being demolished. On May 1, 2018, the city acquired the property for failure to pay taxes.

**A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY COUNCIL MEMBER RODRIGUEZ TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE SALE OF UNIMPROVED CITY-OWNED PROPERTY AND EXECUTE ALL OTHER NECESSARY DOCUMENTS FOR THE SALE OF 4705 CUMMINGS DRIVE IN THE AMOUNT OF \$72,000.**

**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 City Council did not meet in Executive Session.

**H. INFORMATION AND REPORTS**

**H.1 Announcements**

Council member Lombard made the following announcements.

Help us welcome author Gretchen Rubin to the North Richland Hills Library this Wednesday, March 27. Ms. Rubin will visit to release her newest non-fiction book "Outer Order, Inner Calm." A ticketed reception will be held at noon, followed at 1 p.m. by a free speaking engagement and book signing. Please visit the library's website for more information.

Join us for a family movie night on the NRH Centre Plaza this Friday, March 29 featuring the classic movie "Ferris Bueller's Day Off." The movie will begin at 7:30 p.m. Seating is on the lawn. Bring your lawn chairs, blankets and snacks. Admission is free and concessions will be available to purchase. Contact the NRH Centre with any questions.

'Round the Town with Oscar monthly bicycle rides and walks resume in April. The rides and walks provide residents a great opportunity to get outdoors, visit with Mayor Trevino and other city leaders, meet new people and be active in NRH. Ride and walk routes will

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change each month. Please visit the city's website to view the schedule and locations.

Kudos Korner - Scott Pearce and Jason Smith, Parks Department - A resident emailed her thanks for the Parks Department employees who helped her husband. Scott and Jason noticed the man struggling to remove a tree that had fallen on two cars in the family's driveway and stopped to assist him. The resident said we have amazing staff and she was very appreciative that they would take time to help.

## **I. ADJOURNMENT**

Mayor Trevino adjourned the meeting at 7:49 p.m.

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Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary