

**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 23, 2023**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 23rd day of January at 6:00 p.m. in the City Council Chamber prior to the 7:00 p.m. regular Council meeting.

Present:	Tito Rodriguez	Mayor Pro Tem, Place 1
	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
Absent:	Oscar Trevino	Mayor
Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Karen Manila	Assistant City Manager
	Alicia Richardson	City Secretary/Chief Governance Officer
	Maleshia B. McGinnis	City Attorney

CALL TO ORDER

1. DISCUSS ITEMS FROM REGULAR CITY COUNCIL MEETING

City Council had no questions for staff.

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

City Manager Mark Hindman informed City Council at their January 9, 2023 meeting Associate Mayor Pro Tem Turnage who served as the Charter Review Task Force Chair reviewed the proposed Charter amendment language. Following the January 9 meeting, staff reviewed the proposed Charter amendment language and recognized additional language is necessary to clarify (i) City Council members are paid \$50.00 per meeting, not including Council committee meetings and that meetings of the City Council shall be held in accordance with state law (Article V, Section 1. City Officials); (ii) City Council

approves or authorizes the approval of plats in accordance with state law (Article VI, Section 3(7). Duties of City Council); and (iii) Planning and Zoning Commission be responsible for the approval of plats as authorized by the City Council in accordance with state law and the Subdivision Ordinance (Article XIV, Section 2(3). Planning and Zoning Commission Powers and Duties).

Director of Human Resources Patrick Hillis provided an overview of the Charter Review Task Force ("Task Force") recommendations for Civil Service. He informed City Council staff made additional changes since the approval of charter amendments by the Task Force. Mr. Hillis reviewed the following changes:

Article XVII: City Civil Service, Section 2. Definitions. - Any full-time, employee who is a sworn, peace officer in the Police department below the rank of Police Captain, or equivalent rank, or a fire fighter in the Fire department below the rank of Fire Battalion Chief or equivalent rank, or a sworn peace officer in the service of the City Marshal's Office, who has completed the required one-year probationary period is entitled to Civil Service coverage under this Article. Such employee is hereafter referred to as a "Civil Service Employee".

The new language proposed by staff identifies employees within the Police and Fire departments who are considered a civil service employee.

Article XVII: City Civil Service, Section 16. Indefinite Suspensions.

The new language proposed by staff provides that a suspended employee be restored to his or her position when ordered by the Civil Service Commission. The employee shall be reinstated within ten (10) days of the date of the Commissioner's order of reinstatement and shall be entitled to full compensation for the actual time lost as a result of the suspension at the rate of pay provided the position or class of service from which he or she was suspended. The employee shall also be entitled to restoration of, or credit for, any other benefits lost (i.e., sick leave, vacation, etc.) to which he or she would have been entitled to as a result of the suspension.

The previous language for this section assigned the duty of reinstating a suspended employee to the Department Head and ramifications (discharged by the City Manager) if Department Head refused to obey the Civil Service Commissions order.

EXECUTIVE SESSION

- 1. SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY - 9105 BOULEVARD 26, TRACT 5, LANDON C WALKER SURVEY, ABSTRACT 1653**

2. SECTION 551.087: DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS - 8735, 8859 AND 8867 BOULEVARD 26.

Mayor Pro Tem Rodriguez announced at 6:36 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 - 9105 Boulevard 26, Tract 5, Landon C Walker Survey, Abstract 1653 and Section 551.087: Deliberation regarding Economic Development negotiations - 8735, 8859 and 8867 Boulevard 26. Executive Session began at 6:40 p.m. and concluded at 6:58 p.m.

Mayor Pro Tem Rodriguez announced at 6:58 p.m. that City Council would convene to the regular City Council meeting.

REGULAR MEETING

A. CALL TO ORDER

Mayor Pro Tem Rodriguez called the meeting to order January 23, 2023 at 7:06 p.m.

Present:	Tito Rodriguez	Mayor Pro Tem, Place 1
	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

Absent:	Oscar Trevino	Mayor
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Staff Members:	Mark Hindman	City Manager
	Paulette Hartman	Deputy City Manager
	Karen Manila	Assistant City Manager
	Alicia Richardson	City Secretary/Chief Governance Officer
	Maleshia B. McGinnis	City Attorney

A.1 INVOCATION

Council member Compton gave the invocation.

A.2 PLEDGE

Council member Compton 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 DEPUTY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO APPROVE THE CONSENT AGENDA, AS PRESENTED.

MOTION TO APPROVE CARRIED 7-0.

- B.1 APPROVE MINUTES OF THE JANUARY 9, 2023 REGULAR CITY COUNCIL MEETING.**
- B.2 CONSIDER RESOLUTION NO. 2023-003 AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONAL ASSET TRANSFER ADDENDUM WITH THE DALLAS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE TO TRANSFER EQUIPMENT PURCHASED BY THE CITY OF NORTH RICHLAND HILLS USING TEXAS ANTI-GANG CENTER GRANT #2848908 FUNDS.**
- B.3 APPROVE PURCHASE FROM MCMILLAN JAMES EQUIPMENT COMPANY, LLC, FOR REPLACEMENT HVAC ROOFTOP UNITS FOR CAPITAL IMPROVEMENT PROJECT FC2314 PUBLIC LIBRARY HVAC REPLACEMENT IN THE AMOUNT OF \$745,166 THROUGH BUY BOARD CONTRACT NO. 631-20.**

- B.4 AUTHORIZE THE PURCHASE OF A 2023 CHEVROLET 1500 SUBURBAN FROM CALDWELL COUNTRY CHEVROLET USING BUYBOARD CONTRACT NO. 601-19 IN AN AMOUNT NOT TO EXCEED \$53,175.**
- B.5 AUTHORIZE THE CITY MANAGER TO EXECUTE A MASTER COOPERATIVE PURCHASING AGREEMENT WITH THE SHERIFF'S ASSOCIATION OF TEXAS AND APPROVE THE PURCHASE OF 20 POLICE DEPARTMENT TAHOES FROM RELIABLE CHEVROLET, UTILIZING THE SHERIFF'S ASSOCIATION OF TEXAS COOPERATIVE CONTRACT #22-03-1008R IN THE AMOUNT OF \$1,225,739.**
- B.6 APPROVE A SOLE SOURCE SERVICE SUBSCRIPTION AGREEMENT FOR 60 AUTOMATED LICENSE PLATE READER CAMERAS FROM FLOCK GROUP INC., IN THE AMOUNT OF \$323,400 USING TEXAS ANTI-GANG CENTER GRANT #2848908 FUNDING AND CONSIDER RESOLUTION NO. 2023-011, AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONAL ASSET TRANSFER ADDENDUM WITH THE CITY OF ARLINGTON.**
- B.7 AUTHORIZE THE SOLE SOURCE PURCHASE OF A BULLET RECOVERY SYSTEM FROM CYBERNATIONAL, INC. IN THE AMOUNT OF \$79,525 USING TEXAS ANTI-GANG CENTER GRANT #2848908 FUNDING AND CONSIDER RESOLUTION NO. 2023-012, AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONAL ASSET TRANSFER ADDENDUM WITH THE CITY OF ARLINGTON.**
- B.8 CONSIDER RESOLUTION NO. 2023-004 AUTHORIZING THE CITY MANAGER TO EXECUTE A REGIONAL ASSET TRANSFER ADDENDUM WITH THE CITY OF ARLINGTON TO TRANSFER EQUIPMENT PURCHASED BY THE CITY OF NORTH RICHLAND HILLS USING TEXAS ANTI-GANG CENTER GRANT #2848908 FUNDS.**
- B.9 CONSIDER RESOLUTION NO. 2023-005 AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE OFFICE OF THE GOVERNOR'S PUBLIC SAFETY OFFICE FY24 GENERAL VICTIM ASSISTANCE GRANT PROGRAM, GRANT #3544405.**
- B.10 CONSIDER RESOLUTION NO. 2023-006 AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE TEXAS GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM FY2024, GRANT #4734101 TO PURCHASE EQUIPMENT FOR THE PUBLIC SAFETY DISPATCH CENTER.**

- B.11 CONSIDER RESOLUTION NO. 2023-007 AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE TEXAS GOVERNOR'S PUBLIC SAFETY OFFICE FY24 VIOLENCE AGAINST WOMEN JUSTICE AND TRAINING PROGRAM, GRANT #4734001.**
- B.12 CONSIDER RESOLUTION NO. 2023-008 APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF FORT WORTH FOR THE FY2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM AWARD.**
- B.13 AUTHORIZE THE SOLE SOURCE PURCHASE OF 12 ADDITIONAL POLE-MOUNTED AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS AND THE SUBSCRIPTION RENEWAL FOR 9 EXISTING ALPR CAMERAS FROM FLOCK SAFETY, INC, NOT TO EXCEED THE AMOUNT OF \$74,700.**
- B.14 CONSIDER RESOLUTION NO. 2023-009 AUTHORIZING SUBMISSION OF THE GRANT APPLICATION AND ACCEPTANCE OF ALLOCATED FUNDS IF AWARDED FOR THE 2022 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM - EQUIPMENT IN THE AMOUNT OF UP TO \$90,000 WITH THE CITY'S MATCH BEING UP TO \$9,000, AND AUTHORIZE THE EXECUTION OF THE ASSOCIATED TERMS AND CONDITIONS.**
- B.15 AUTHORIZE THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DENTON COUNTY FOR THE PURCHASE OF SLURRY SEAL AND OTHER GOODS AND SERVICES FROM VENDORS SELECTED THROUGH THE COMPETITIVE BIDDING PROCESS.**

C. PUBLIC HEARINGS

- C.1 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 3775 ADOPTING THE NORTH RICHLAND HILLS YOUTH PROGRAMS STANDARDS OF CARE.**

APPROVED

Mayor Pro Tem Rodriguez opened the public hearing and called on NRH Centre Member Services Supervisor Ron Newman to introduce 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

the program standards of care, a notice of a public hearing for the program and a copy of the ordinance adopting the standards.

Mayor Pro Tem Rodriguez 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 Pro Tem Rodriguez 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 Pro Tem Rodriguez closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY COUNCIL MEMBER COMPTON TO APPROVE ORDINANCE NO. 3775.

MOTION TO APPROVE CARRIED 7-0.

C.2 CONDUCT A PUBLIC HEARING AND APPROVE ORDINANCE NO. 3776 AMENDING THE FISCAL YEAR 2022-2023 ADOPTED CAPITAL IMPROVEMENT BUDGET.

APPROVED

Mayor Pro Tem Rodriguez opened the public hearing for Ordinance No. 3776, and called on Director of Budget and Research Trudy Lewis to present item C.1 and companion items F.1, and F.2.

Ms. Lewis informed City Council the public hearing for the capital budget amendment was published in the Fort Worth Star Telegram on January 11, 2023. There are two projects associated with the budget amendment. The first project provides intersection improvements at Rufe Snow Drive and Starnes Road and Smithfield Road and Starnes Road. In 2021, city staff submitted a grant application and received funding from the Texas Highway Safety Improvement Program (HSIP) for these intersection improvements. The HSIP program will pay 90% of construction cost and the remaining 10% will come from North Central Texas Council of Governments Transportation Development Credits. While the grant does not require the city to pay for construction costs or overages associated with construction costs; the city is responsible to fund the design phase for the intersection improvements. It is necessary to allocate \$150,000 towards the design phase. Ms. Lewis stated that funding is available in Street Capital Improvement Program Fund reserves. This new project requires an amendment to the FY 2022-2023 Adopted Capital Budget for the design cost for the intersection improvements. The second project provides additional funding for the Iron Horse East Boulevard reconstruction project. This street was included in the 2020 Bond Program and subsequently awarded a grant from the Economic Development Administration (EDA) to fund 80% of the project cost with the city being responsible for a 20% match (\$1,055,000). The city is responsible for 100% of any cost overages. The construction

phase of the project was bid and the lowest bidder exceeded the available budget by \$926,031. Staff recommends to increase the budget to one million, which will provide a contingency fund for construction of Iron Horse East Boulevard. Staff proposes an amendment of \$1,150,000 to the FY 2022-2023 Adopted Capital Budget.

Ms. Lewis stated the two companions items for this budget amendment include a reimbursement resolution (item F.1) and an award of bid for the construction of the Iron Horse East Boulevard project (item F.2). A reimbursement resolution authorizes the city to reimburse expenditures from proceeds of a future bond sale. The Iron Horse East Boulevard project was included in the 2020 Bond Program, which makes it eligible for General Obligation bond proceeds. The city has sufficient reserve funds in the Street CIP Fund to move forward with the award of contract. If approved, the resolution allows Street CIP cash reserves to be reimbursed from a future bond sale. Staff recommends the approval of Resolution No. 2023-010. Item F.2 on the agenda is to award the construction of the Iron Horse East Boulevard project to The Fain Group and authorize the City Manager to execute the related construction agreement.

Mayor Pro Tem Rodriguez 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 Pro Tem Rodriguez 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 Pro Tem Rodriguez closed the public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY ASSOCIATE MAYOR PRO TEM TURNAGE TO APPROVE ORDINANCE NO. 3776.

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 REIMBURSEMENT RESOLUTION NO. 2023-010 AUTHORIZING REIMBURSEMENT OF CAPITAL EXPENDITURES WITH RESPECT TO PROCEEDS OF DEBT HEREFTER TO BE INCURRED, IN AN AMOUNT NOT TO EXCEED \$1,020,000.

APPROVED

This item was presented in conjunction with items C.2 and F.2.

A MOTION WAS MADE BY COUNCIL MEMBER ORR, SECONDED BY COUNCIL MEMBER VAUGHN TO APPROVE REIMBURSEMENT RESOLUTION NO. 2023-010 AUTHORIZING REIMBURSEMENT OF CAPITAL EXPENDITURES WITH RESPECT TO PROCEEDS OF DEBT HEREAFTER TO BE INCURRED, IN AN AMOUNT NOT TO EXCEED \$1,020,000.

MOTION TO APPROVE CARRIED 7-0.

F.2 CONSIDER AWARD OF RFB 23-005 TO THE FAIN GROUP, INC., FOR CONSTRUCTION OF THE IRON HORSE EAST PROJECT (ST2101) IN THE AMOUNT OF \$5,868,723 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED CONSTRUCTION AGREEMENT.

APPROVED

This item was presented in conjunction with items C.2 and F.1.

A MOTION WAS MADE BY DEPUTY MAYOR PRO TEM DEUPREE, SECONDED BY COUNCIL MEMBER WRIGHT OUJESKY TO AWARD RFB 23-005 TO THE FAIN GROUP, INC., FOR CONSTRUCTION OF THE IRON HORSE EAST PROJECT (ST2101) IN THE AMOUNT OF \$5,868,723 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED CONSTRUCTION AGREEMENT.

MOTION TO APPROVE CARRIED 7-0.

G.1 EXECUTIVE SESSION ITEMS - CITY COUNCIL MAY TAKE ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA

APPROVED

Mayor Pro Tem Rodriguez announced there was action necessary as the result of discussion in Executive Session pursuant to Section 551.072: Deliberate the purchase, exchange, lease or value of real property - 9105 Boulevard 26, Tract 5, Landon C Walker Survey, Abstract 1653 and Section 551.087: Deliberation regarding economic development negotiations - 8735, 8859 and 8867 Boulevard 26.

Director of Economic Development Craig Hulse informed City Council the city was approached by Merlin Entertainment Theme Parks, LLC to redevelop 13 acres of property located south of NRH20. The former business located at this property closed in

2021. Merlin Entertainment Theme Parks, LLC wants to develop a year-round attraction that will complement NRH20. The city has been requested to consider two agreements. The two items for City Council's consideration this evening is a parking lot lease and economic development agreement with Merlin Entertainment Theme Parks, LLC.

A MOTION WAS MADE BY COUNCIL MEMBER COMPTON, SECONDED BY COUNCIL MEMBER VAUGHN TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PARKING LOT LEASE AND ANY OTHER NECESSARY AND RELATED DOCUMENTS WITH MERLIN ENTERTAINMENTS THEME PARKS, LLC FOR 9105 BOULEVARD 26 AND TRACT 5, ABSTRACT 1653, WALKER, LANDON C SURVEY.

MOTION TO APPROVE CARRIED 7-0.

G.2 EXECUTIVE SESSION ITEMS - CITY COUNCIL MAY TAKE ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA

APPROVED

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

A MOTION WAS MADE BY COUNCIL MEMBER WRIGHT OUJESKY, SECONDED BY DEPUTY MAYOR PRO TEM DEUPREE TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH MERLIN ENTERTAINMENTS THEME PARKS, LLC FOR 8735, 8859 AND 8867 BOULEVARD 26.

MOTION TO APPROVE CARRIED 7-0.

H. INFORMATION AND REPORTS

H.1 ANNOUNCEMENTS

Council member Orr made the following announcements.

NRH20 Family Water Park is hosting the Polar Plunge benefiting Special Olympics Texas on Saturday, February 4. You can find more information and a link to sign up on the city's website.

Tickets are on sale now for the Daddy/Daughter Valentine's Dance. The dance will take place on Saturday, February 18 in the Grand Hall at the NRH Centre. Please visit the city's website or contact the NRH Centre for details.

Kudos Korner - Every Council Meeting, we spotlight our employees for the great things they do. Tonight we recognize: Clayton Comstock in Planning & Development: A developer from out of state emailed his compliments for the high level of customer service Clayton and his staff provide. He stated: "Y'all are rockstars at the City of NRH with how quickly you respond and get things done. We haven't worked with any other city that is as on top of things as you and your colleagues."

I. ADJOURNMENT

Mayor Pro Tem Rodriguez adjourned the meeting at 7:37 p.m.

Tito Rodriguez, Mayor Pro Tem

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer