

**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  
AUGUST 26, 2019**

**WORK SESSION**

The City Council of the City of North Richland Hills, Texas met in work session on the 26th day of August at 5:30 p.m. in the City Council Workroom prior to the 7:00 p.m. regular City Council meeting.

Present:	Oscar Trevino	Mayor
	Rita Wright Oujesky	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Suzy Compton	Council, Place 3
	<i>Vacant</i>	Council, Place 4
	Mike Benton	Council, Place 5
	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	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 5:30 p.m.

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

City Council had no questions for staff.

**2. REVIEW OF LOCAL ACTIONS NECESSARY AS A RESULT OF THE 86TH TEXAS STATE LEGISLATURE.**

Assistant City Manager Karen Bostic informed City Council the Texas 86th Legislative Session ended May 27, 2019. During the session, 7,500 bills were introduced and 1,437 of the bills passed. This legislative session included over 2,000 bills related to

municipalities and 330 of the bills passed. The number of bills this year are significantly higher than those in past legislative sessions.

City Attorney Maleshia B. McGinnis provided City Council with an overview of House Bill 2840 that pertains to the right of the public to speak at an open meeting and Senate Bill 944 regarding temporary custodian of records.

House Bill 2840 allows any member of the public to address the body regarding an item on any public meeting agenda before or during the consideration of the item. The bill allows a municipality to establish rules regarding procedure, to include time limits. The current City's Code of Ordinances regarding Rules of Procedure limits comments by the public during City Council meeting to (1) citizen presentations or (2) matters listed as a public hearing. The Rules of Procedure allow a member of the public to speak on matters not listed as a public hearing at the discretion of the City Council.

Staff is seeking direction from City Council to amend the Rules of Procedure to comply with House Bill 2840. The City Council may take public comments on any item posted on the agenda before the item is considered or during consideration of the item. Ms. McGinnis informed City Council if a request to speak pertains to an item on the consent agenda that item would need to be removed from the consent agenda and considered separately.

City Council discussed the advantages and disadvantages of having public comments listed at the beginning of the agenda or taking public comments with each item posted on the agenda. In response to Mayor Pro Tem Wright Oujesky's question, Ms. McGinnis confirmed the City Council can still limit comments from the public to three minutes. Ms. McGinnis advised City Council that House Bill 2840 also applies to items posted for work session.

In response to Mayor Trevino's question, Ms. McGinnis confirmed that City Council can change the practice of hearing public comments at the beginning of the posted agenda to hearing public comments with the posted agenda item.

Ms. McGinnis informed City Council that Senate Bill 944 designates current and former officers or employees of a governmental body who maintain public information on a privately owned device as a temporary custodian. The bill requires temporary custodians to forward or transfer information to the governmental body to be preserved in accordance with applicable retention schedules or preserve information in its original form on a back up or archive the privately owned device, subject to applicable retention schedules. The City Manager's Office is evaluating options to address the changes in the law.

City Manager Mark Hindman advised that staff will ensure City Council members have city email accounts.

Municipal Court Administrator Rebecca Vinson provided City Council with an update on legislative changes in Municipal Court.

House Bill 1528 requires additional reporting requirements that involve family violence. Municipal Court is required to report offender's citation or arrest and case disposition to Department of Public Safety using a uniform incident fingerprint card or an alternative electronic fingerprinting method.

House Bill 2048 repeals the Driver Responsibility Program (DRP), created in 2003. The bill suspended drivers licenses for nonpayment of DRP surcharges. House Bill 2048 will waive any outstanding surcharges as of September 1, 2019, and the Department of Public Safety is required to reinstate any license suspended solely due to nonpayment of DRP surcharges. The suspensions will remain on driver records.

Senate Bill 21 increases the minimum age to purchase or possess tobacco products from 18 to 21. The maximum fine for breaking the law is reduced from \$250.00 to \$100.00. The exemptions include active military of 18 years or older and individuals who turned 18 before September 1, 2019.

Senate Bill 346 significantly changes the collection of court costs and increases the consolidated state court cost fee from \$40.00 to \$62.00. The bill creates a consolidated local fee of \$14.00 for four restricted funds: (1) security fund, \$4.90; (2) truancy and prevention and diversion funds, \$5.00; (3) court technology fund, \$4.00; and (4) municipal jury fund, \$0.10.

Director of Planning Clayton Comstock provided an overview of House Bill 2439 regarding building materials and House Bill 3167 regarding timeline to process plan(s) pursuant to Chapter 212, Subchapter A of the Local Government Code.

House Bill 2439 states that a municipality may not adopt or enforce a rule, ordinance, order, or building code that prohibits or limits the use or installation of a building product or material in the construction, renovation, maintenance or other alteration of a residential or commercial building, if the building product or material is approved for use by a national model code published within the last three code cycles (2012, 2015 and 2018). The bill also states that a municipality may not adopt or enforce a rule, ordinance, order, or building code that establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published with the

last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building. Mr. Comstock reviewed examples of home exterior materials allowed by the 2018 International Residential Code (IRC). Mr. Comstock informed City Council the following regulations are unaffected: commercial articulation and ornamentation standards, roof pitch, architectural features, mechanical screening, signs, landscaping, screening walls and color. Staff is still reviewing outdoor lighting. Mr. Comstock informed City Council all references to building material standards will remain in place and the zoning ordinance will include verbiage that establishes all references to building materials as guidelines, unless otherwise authorized through change in state law or case law. Staff expects the biggest impact to be accessory buildings, additions/remodels, and carports. The most noticeable impact will be commercial and church buildings located on major thoroughfares. Mr. Comstock commented that staff is exploring new material-neutral design standards.

Mr. Comstock informed City Council House Bill 3167 revised Chapter 212, Subchapter A, Local Government Code. More specifically, Section 212.009 includes "plan" to the approval procedure in which a municipality must approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. If city ordinance requires a plan or plat to be approved by the governing body of the municipality in addition to the Planning and Zoning Commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat with 30 days after approval by the Planning and Zoning Commission. The bill defines "plan" as a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. Mr. Comstock commented that it also includes preliminary plat. Mr. Comstock reviewed the timeline for approvals and disapprovals. Preliminary plats will be included on City Council agendas. Mr. Comstock informed City Council that House Bill 3167 does not apply to site plans, concept plans, special use permits, or zoning changes.

## EXECUTIVE SESSION

1. **SECTION 551.087: DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS - CITY POINT ADDITION, BLOCK 1, LOT 2; BLOCK 2, LOTS 1A AND 1B; AND BLOCK 3, LOT 1**
2. **SECTION 551.072: DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY - APPROXIMATELY 29,250 SQUARE FEET (0.67 ACRE) OF RIGHT-OF-WAY FOR NANCY LANE IN THE 4700 AND 4800 BLOCK BETWEEN SHORT STREET AND NORTHEAST LOOP 820.**

Mayor Trevino announced that City Council would convene to Executive Session following the regular agenda. Mayor Trevino adjourned work session at 6:32 p.m.

## **REGULAR MEETING**

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

Mayor Trevino called the meeting to order August 26, 2019 at 7:13 p.m.

Present:	Oscar Trevino	Mayor
	Rita Wright Oujesky	Mayor Pro Tem
	Tito Rodriguez	Council, Place 1
	Suzy Compton	Council, Place 3
	<i>Vacant</i>	Council, Place 4
	Mike Benton	Council, Place 5
	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**

Mayor Pro Tem Wright Oujesky gave the invocation.

### **A.2 PLEDGE - MAYOR PRO TEM WRIGHT OUJESKY**

Mayor Pro Tem 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 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 RODRIGUEZ, SECONDED BY COUNCIL MEMBER BENTON TO APPROVE THE CONSENT AGENDA.**

**MOTION TO APPROVE CARRIED 5-0.**

**B.1 APPROVE MINUTES OF THE REGULAR AUGUST 12, 2019 CITY COUNCIL MEETING.**

**C. PUBLIC HEARINGS**

**C.1 ZC 2019-10, ORDINANCE NO. 3596, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM LINDA BURKET FOR A ZONING CHANGE FROM AG AGRICULTURAL TO R-1 SINGLE-FAMILY RESIDENTIAL AT 6809 CRANE ROAD, BEING 1.29 ACRES DESCRIBED AS TRACT 8D, TANDY K MARTIN SURVEY, ABSTRACT 1055.**

**APPROVED**

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

Mr. Husband informed City Council the applicant is requesting a zoning change for 1.29 acres located at 6809 Crane Road. The area is designated on the Comprehensive Land Use Plan as low density residential and the current zoning is agricultural. Mr. Husband provided site photos of the property.

Applicant representative Linda Burket, 2416 Cameron Court, Irving, Texas, informed City Council the request to rezone property into three lots would allow her and two sisters to construct homes for each of them. Ms. Burket commented that each home will meet the minimum requirements of 2,300 square feet.

Mr. Husband presented staff's report. The plat associated with this request will come forward a future date. The Planning and Zoning Commission, at their August 15, 2019 meeting, recommended approval with a vote of 5-0.

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 for or against 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 COMPTON, SECONDED BY MAYOR PRO TEM WRIGHT OUJESKY TO APPROVE ORDINANCE NO. 3596**

**MOTION TO APPROVE CARRIED 5-0.**

**C.2 ZC 2019-12, ORDINANCE NO. 3597, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM JAMES AND LINA PIERSON FOR A ZONING CHANGE FROM AG AGRICULTURAL TO R-1-S SPECIAL SINGLE-FAMILY AT 9000 KIRK LANE, BEING 5.935 ACRES DESCRIBED AS TRACTS 15A3, 15A3A, AND 15A8, STEPHEN RICHARDSON SURVEY, ABSTRACT 1266.**

**APPROVED**

Mayor Trevino opened the public hearing for ZC 2019-12 and called on Director of Planning Clayton Comstock to present items C.2 and D1.

Mr. Comstock informed City Council the applicant is requesting a zoning change for 5.935 acres located at 9000 Kirk Lane. The area is designated on the Land Use Plan as low density residential and the current zoning is agricultural. Mr. Comstock provided site photos of the property.

Applicant Lina Pierson, 9000 Kirk Lane, informed City Council the requests before them this evening is to rezone the property to R-1-S and to divide the property into two lots. The properties will be sold to two buyers.

Mr. Comstock presented staff's report. The Planning and Zoning Commission, at their August 15, 2019 meeting, recommended approval with a vote of 5-0.

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 for or against 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 RODRIGUEZ TO APPROVE ORDINANCE NO. 3597.**

**MOTION TO APPROVE CARRIED 5-0.**

**C.3 CONDUCT A PUBLIC HEARING ON FISCAL YEAR 2018/2019 REVISED BUDGET AND FISCAL YEAR 2019/2020 PROPOSED BUDGET.**

Mayor Trevino opened the public hearing and called on City Manager Mark Hindman to make introductory comments.

Mr. Hindman informed Council a copy of the proposed budget is available at the library and on the city's website. The city's sales tax revenue is flattening due to ecommerce. The State of Texas provided a tax break to franchise companies, which decreased revenues to the city by approximately \$238,000. This dollar amount is equal to approximately 1.5% of property taxes. The 2019/2020 proposed budget has an increase of 3.9% from the previous year. The proposed budget includes a 2% salary increase for general employees and a step increase for public safety personnel. Mr. Hindman informed City Council there are four vacancies (two public safety officers, planning technician and park planner) that will remain vacant. The decrease in sales tax revenue has had an impact on the Crime Control and Prevention District and Parks and Recreation Facilities Development Corporation. This will be the first year for the general fund to subsidize the Crime Control and Prevention District to maintain operations. The utility fund has transferred funds from reserves for three of the last four years. This is due to the base water/sewer rates collected by the city for water service not being enough to pay for the wholesale cost of water from providers. The proposed budget includes an increase of \$5.50 per month in water based rates and \$2.00 increase in sewer based rates. The budget also includes a \$.24 cent/per 1,000 gallon sewer rate that is being passed down from the wholesale treatment provider.

Following the budget video, Director of Budget and Research Robert Myers provided an overview of the proposed operating budget. The \$50.3 million proposed budget is 60% dedicated towards public safety, which includes police, fire and emergency management. The proposed budget includes increased expenditures of public safety positions previously funded by the red light camera program. The budget also includes increases for the full year funding of six (6) full time fire fighters and a fourth full time ambulance and two (2) additional police officers included in fiscal year 2018/2019 budget as mid-year additions. The proposed budget includes increases for market based public safety compensation and benefits and non-public safety compensation and benefits to maintain a competitive position in the market. Mr. Myers also reviewed the proposed 2019/2020 special revenue funds, enterprise funds, and capital budget. Following this public hearing, the vote on the proposed 2019/2020 budget and 2018/2019 revised budget will be taken on Monday, September 9, 2019 at 7:00 p.m. during the regularly scheduled City Council meeting.

Mayor Trevino asked the City Secretary to call on those who completed a public meeting appearance form to speak during the public hearing.

Mr. Robert Payne, 6516 Briley Drive, spoke in opposition. He commented that the city needs additional chunk your junk events. He asked the city to consider the opiod crisis



and methods to educate the public regarding the opioid epidemic.

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

#### **C.4 CONDUCT A PUBLIC HEARING ON THE TAX YEAR 2019 (FISCAL YEAR 2019/2020) PROPOSED TAX RATE.**

Mayor Trevino opened the public hearing and called on Director of Budget and Research Robert Myers to present item.

Mr. Myers informed Council the public hearing tonight is the first of two public hearings to set the tax rate at \$0.572 cents to support the fiscal year 2019/2020 proposed budget. The public hearing was advertised in accordance with state law on the city's website and in the Fort Worth Star Telegram. The proposed tax rate is a reduction of \$0.013 than the previous year. This is the third year the city has lowered the tax rate. The city offers a number of exemptions--homestead, senior citizen/disabled person, and senior tax ceiling--for residents. Citizens receiving a senior or disabled person tax ceiling will not see an increase in property taxes than in the prior year unless a new home was purchased or they have added on to their existing home. Currently, approximately 27.4% of all single family residences receive the tax ceiling. The city's property tax rate accounts for approximately 22.2% of the total tax rate before factoring in exemptions and the senior tax ceiling. The majority of the total property tax rate goes to the school district (55.2%) and Tarrant County (22.6%). Mr. Myers announced the second public hearing on the proposed tax rate will be held on Thursday, August 29, 2019 at 7:00 p.m. The meeting will be held in the Council Chamber located at City Hall, 4301 City Point Drive. The City Council will take action on the proposed tax rate at their September 9, 2019 meeting.

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 for or against the item to come forward. There being no one wishing to speak, Mayor Trevino closed the public hearing.

Mayor Trevino announced the second public hearing regarding the proposed tax rate will be held on August 29, 2019 at 7:00 p.m. in the Council Chamber. The vote on the proposed tax rate will be considered at the City Council's September 9, 2019 meeting.

**C.5 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 3594, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING AND RESTATING ORDINANCE NO. 1741 AND ADDING ARTICLE IX MUNICIPAL DRAINAGE UTILITY SYSTEM; AMENDING APPENDIX A FEE SCHEDULE TO INCLUDE RELATED FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**APPROVED**

Mayor Trevino opened the public hearing and called on Director of Finance Mark Mills to present the item.

Mr. Mills informed City Council the purpose of the request is to conduct a public hearing on the proposed change to drainage fees assessed by the city for its Municipal Drainage Utility System (MDUS). The fee funds storm water drainage projects within North Richland Hills. If approved, Ordinance No. 3594 amends the fees, which have not been changed since the establishment of the MDUS in 1991. Pursuant to Subchapter C, Chapter 552 of the Texas Local Government Code, revisions to the fees require a public hearing. The legal notice for the public hearing was published in the July 26, July 27 and July 29, 2019 editions of the Fort Worth Star Telegram.

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 for or against 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 COMPTON TO APPROVE ORDINANCE NO. 3594, AMENDING APPENDIX A FEE SCHEDULE AS PRESENTED.**

**MOTION TO APPROVE CARRIED 5-0.**

**D. PLANNING AND DEVELOPMENT**

**D.1 FP 2019-08 CONSIDERATION OF A REQUEST FROM JAMES AND LINA PIERSON FOR A FINAL PLAT OF PIERSON ADDITION, BEING 5.935 ACRES LOCATED AT 9000 KIRK LANE.**

**APPROVED**

This item was presented in conjunction with item C.2

**A MOTION WAS MADE BY COUNCIL MEMBER BENTON, SECONDED BY MAYOR PRO TEM WRIGHT OUJESKY TO APPROVE FP 2019-08.**

**MOTION TO APPROVE CARRIED 5-0.**

**E. PUBLIC WORKS**

There were no items for this category.

**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**

Mayor Trevino announced City Council would convene into Executive Session following the announcements.

**H. INFORMATION AND REPORTS**

**H.1 ANNOUNCEMENTS**

Council member Rodriguez made the following announcements.

City Hall and other non-emergency city offices will be closed on Monday, September 2, in observance of the Labor Day Holiday. The Animal Adoption & Rescue Center, Library, Tennis Center and Senior Center will also be closed. NRH2O, the NRH Centre and Iron Horse Golf Course will be open. Garbage and recycling will not be collected. Monday collections will shift to Tuesday and Tuesday collections will be picked up on Wednesday.

Join us next week for Round the Town with Oscar. The monthly bike ride will be on Tuesday, September 3, at 6:30 p.m. starting from Green Valley Park. The monthly walk is Thursday, September 5, starting at 6:15 p.m. at Northfield Park. You can find more information on the city's website or by calling the Parks Department.

The Friends of the NRH Library invite you to the inaugural NRH Authors and Arts Gala on Friday, September 6 at 6:30 p.m. in the Grand Hall at the NRH Centre. Meet Skip Hollandsworth and other Texas authors and listen to an engaging panel discussion about their work. There will also be a mini-art gallery. Tickets are \$55.00 each with proceeds

benefiting the library. Tickets can be purchased on the library's website.

Kudos Korner - Chris Legg and Thomas Stewart in Public Works - A resident emailed about the exceptional service Chris and Thomas provided when responding to her call about a water leak. She said they did not hesitate in helping her locate the problem and then turned off her irrigation system to stop the leak until she can get it fixed. Although it was certainly not their job, they went out of their way to be helpful and ease her stress. She said: "I know that a lot of times a government entity hears nothing but complaints from the citizens. I wanted to commend these employees for their professionalism and helpfulness. I'd like their supervisor to know that they are out in the community building relationships in a way no one else could."

Mayor Trevino announced at 8:07 p.m. that City Council would convene to Executive Session as authorized by Section 551.087: Deliberation regarding economic development negotiations - City Point Addition, Block 1, Lot 2; Block 2, Lots 1A and 1B; and Block 3, Lot 1 and Section 551.072: Deliberate the purchase, exchange, lease or value of real property - 4700 and 4800 blocks of Nancy Lane. Executive Session began at 8:09 p.m. and concluded at 8:34 p.m.

Mayor Trevino recessed the City Council meeting at 8:07 p.m.

Mayor Trevino reconvened the City Council meeting at 8:36 p.m., with the same members present.

## **I. ADJOURNMENT**

Mayor Trevino adjourned the meeting at 8:36 p.m.

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Oscar Trevino, Mayor

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Alicia Richardson, City Secretary