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, 7301 NORTHEAST LOOP 820 – APRIL 22, 2013

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 22nd day of April 2013 at 6:00 p.m. in the City Council Workroom prior to the 7:00 p.m. regular Council meeting.

Present:	Oscar Trevino	Mayor
	Tom Lombard	Mayor Pro Tem, Council, Place 3
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tim Barth	Council, Place 4
	David Whitson	Council, Place 5
	Scott Turnage	Council, Place 6
	Tim Welch	Council, Place 7
Staff Members:	Mark Hindman	City Manager
	Jared Miller	Assistant City Manager
	Karen Bostic	Assistant City Manager
	Jimmy Perdue	Director of Public Safety
	Mike Curtis	Managing Director
	Vickie Loftice	Managing Director
	Patricia Hutson	City Secretary
	Monica Solko	Assistant City Secretary
	George Staples	City Attorney
	Kristin James	Assistant to City Manager
	John Pitstick	Director of Planning & Development
	Larry Koonce	Finance Director
	JoAnn Stout	Neighborhood Services Director
	Churn Mezger	Humane Services Supervisor
	Stan Tinney	Fire Chief
	Kirk Marcum	Assistant Fire Chief
	Kyle McAfee	Assistant Fire Chief
	Greg Lindsey	Fire Marshal
	Eric Cook	Fire Captain
	Bryon Bustamante	NRH2O Park Lead
	Chris Swartz	NRH20 Park Manager
	Clayton Comstock	Senior Planner
	Dave Pendley	Building Official
	Caroline Waggoner	Engineer Associate
	Greg VanNieuwenhuize	Engineer
	Craig Hulse	Economic Development Director
	Jerry Lewandowski	Purchasing Manager
	Frank Fiorello	Police Technical Services Coordinator

Don Wertzberger Project Manager

Call to Order

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

A.0 Discuss Items from Regular City Council Meeting

There were no questions from the Council.

Agenda Item B.2 - Approval of Minutes of the April 8 Meeting - Patricia Hutson, City Secretary, advised she had revised the April 8 work session minutes to reflect the Mayor re-opening the work session as an open meeting and announcing the removal of Item F.1 from the agenda. Council was provided with a copy of the revision.

Agenda Item F.1 – Gas Drilling Annual Permit Fee - Mark Hindman, City Manager, advised the effective date for the permit had been changed from June 1 to October 1 to coincide with the City's fiscal year.

A.1 Public Safety Emergency Preparedness Update

Mr. Kirk Marcum, Assistant Fire Chief, updated the Council on the City's emergency preparedness discussing the Emergency Management staff, activation of the Emergency Operations Center, the Code Red System and its features and apps available to the citizens, and the City's outdoor warning siren system.

A.2 Regional Consolidation of Detention and Communication Services Update

Chief Perdue updated the Council on the consolidation of the detention and communication services discussing the projected and actual volume of calls and service, cost savings to the cities involved, benefits of the consolidation and reviewed the start up costs. Chief Perdue reported that the program had proved itself financially and was performing operationally as planned.

B.0 EXECUTIVE SESSION - The City Council may enter into closed Executive Session to discuss the following as authorized by Chapter 551, Texas Government Code

B.1 Executive Session: Pursuant to Section 551.087 Texas Government Code Regarding Economic Development Incentive in Northeast Sector of City

B.2 Executive Session: Pursuant to Sections 551.071 and 551.072 Texas Government Code to consider acquisition of an easement and confer with Attorney concerning pending and contemplated litigation regarding an easement in the Thomas Peck Survey

B.3 Executive Session: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease or value of real property in the southwest sector of the City

Mayor Trevino announced at 6:26 p.m. that the Council would convene into Executive Session as authorized by Chapter 551, Texas Government Code, pursuant to the following sections: Section 551.087 regarding development incentive in the northeast sector of city, Sections 551.071 and 551.072 to consider acquisition of an easement and confer with Attorney concerning pending and contemplated litigation regarding an easement in the Thomas Peck Survey, and Section 551.072 to deliberate the purchase, exchange, lease or value of real property in the southwest sector of the City.

C.0 Adjournment

Mayor Trevino announced at 6:58 p.m. that the Council would adjourn to the regular Council meeting.

REGULAR COUNCIL MEETING

A.0
CALL TO ORDER

Mayor Trevino called the meeting to order April 22, 2013 at 7:03 p.m.

ROLL CALL

Present:	Oscar Trevino	Mayor
	Tom Lombard	Mayor Pro Tem, Council, Place 3
	Tito Rodriguez	Council, Place 1
	Rita Wright Oujesky	Council, Place 2
	Tim Barth	Council, Place 4
	David Whitson	Council, Place 5
	Scott Turnage	Council, Place 6
	Tim Welch	Council, Place 7

Staff:

Mark Hindman	City Manager
Jared Miller	Assistant City Manager
Karen Bostic	Assistant City Manager
Mike Curtis	Managing Director
Vickie Loftice	Managing Director
Patricia Hutson	City Secretary
Monica Solko	Assistant City Secretary
George Staples	Attorney

A.1
INVOCATION

Mayor Pro Tem Lombard gave the invocation.

A.2
PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lombard led the pledge of allegiance.

A.3
SPECIAL PRESENTATION AND RECOGNITION(S)

No items for this category.

A.4
CITIZENS PRESENTATION

None.

A.5
REMOVAL OF ITEM(S) FROM THE CONSENT AGENDA

None.

B.0
APPROVAL OF CONSENT AGENDA ITEMS
APPROVED

B.1 APPROVAL OF MINUTES OF FEBRUARY 8-9, 2013 CITY COUNCIL MEETING

B.2 APPROVAL OF MINUTES OF APRIL 8, 2013 CITY COUNCIL MEETING

B.3 AWARD BID 13-009 FOR ANNUAL NRH20 FOOD SERVICE PRODUCTS TO MULTIPLE VENDORS IN AN AMOUNT NOT TO EXCEED $150,000

B.4 RESCHEDULE THE MAY 27, 2013 CITY COUNCIL MEETING TO MAY 20, 2013

B.5 APPROVAL OF AGREEMENT WITH THE TODD COMPANY FOR AN AMOUNT EXCEEDING $50,000

B.6 CONSIDER CONTRACT RENEWAL WITH REDFLEX TRAFFIC SYSTEMS, INC.

COUNCILMAN WELCH MOVED TO APPROVE THE CONSENT AGENDA. COUNCILMAN WHITSON SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

C.0
PUBLIC HEARINGS

C.1
TR 2013-02 PUBLIC HEARING AND CONSIDERATION OF AMENDMENTS TO ARTICLE VIII "SCREENING AND FENCING REGULATIONS" AND SECTION 118-001 "DEFINITIONS" OF THE NORTH RICHLAND HILLS ZONING ORDINANCE - ORDINANCE NO. 3244
APPROVED

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

Clayton Comstock, Senior Planner, summarized the item. Council is being asked to approve Ordinance No. 3244 regarding proposed text revision to the city's screening and fencing regulations section of the zoning ordinance (Article VIII).

Revisions include:

- **Rural Fence Types**. A Rural Fence may be permitted in the front yard of any property zoned AG or R-1-S, with a minimum of one acre, and with at least 150 feet of frontage on a street. Said Rural Fence may not exceed five feet in height and may be one of the following fence types: mortised split rail, wrought iron or ornamental metal, tubular steel pipe, post-and-rail, or post-and-board. The use of cable may be permitted in conjunction with tubular steel pipe fencing. The use of continuous square mesh fencing, or "non-climb" fencing, and/or masonry columns spaced 20 to 50 feet on center may be used in conjunction with any of the aforementioned Rural Fence types. The use of barbed wire or electric fencing for the purpose of livestock containment shall only be permitted in conjunction with any of the aforementioned Rural Fence types.

- **Dumpster Enclosures.** This section was revised to provide dumpster enclosure standards for size, height, material, etc. and includes the following specifications:
  1. Constructed of masonry and design consistent with the primary building;
  2. Minimum of 12 ft. by 12 ft. in size with a pedestrian access gate or opening;
  3. Minimum of six feet in height;
  4. Equipped with a solid metal gate with self-closing hinges;
  5. Landscaped when sited adjacent to open space area
  6. Located and oriented to minimize visual impact

- **Fencing facing a collector or arterial.**
  1. New and replacement wood privacy fences along a collector or arterial street shall face the finished side to the street
  2. Wood privacy fences may not extend above a masonry subdivision wall

- **Maintenance.** New language was provided in the maintenance section to provide better clarity to property owners and code compliance officers.

- **Chain link fences (Section 118-879).**
  (a) Chain link fences existing prior to the adoption of this Section may be replaced with a permit.
  (b) New chain link fences. New chain link fences shall not be permitted along any thoroughfare, shall not be visible from the street, and shall be vinyl-clad or powder-coated in black or dark green. New chain link fences visible from a public street shall require a Special Use Permit in accordance with Division 6, Article II of this chapter.
  (c) Exceptions. Chain link fences may be permitted for fencing of dog runs, sports courts, parks, playgrounds, school property, temporary/special events, and construction sites.

Staff recommends approval of TR 2013-02, Ordinance No. 3244 including the amendment regarding chain link fences.

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 and called for the motion.

COUNCILMAN WELCH MOVED TO APPROVE TR 2013-02; ORDINANCE NO. 3244. COUNCILMAN TURNAGE SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

D.0
PLANNING & DEVELOPMENT

Items to follow do not require a public hearing.

No items for this category.

E.0
PUBLIC WORKS

No items for this category.

F.0
GENERAL ITEMS

F.1
CONSIDER AMENDMENT TO CHAPTER 104 GAS DRILLING AND PRODUCTION REGULATIONS TO INCREASE ANNUAL PERMIT FEE - ORDINANCE NO. 3239
APPROVED

Stan Tinney, Fire Chief, presented the item. Staff is bringing forward a proposed change to annual fees related to ongoing inspections of gas well sites, in an effort to provide adequate response to inquiries and to provide general oversight of gas well operations within the city. Staff recommends an increase from the current annual fee of $2,000 per pad site to $8,000 per pad site per year. Annual permit fee review should occur every three years.

MAYOR PRO TEM LOMBARD MOVED TO APPROVE ORDINANCE NO. 3239. COUNCILMAN BARTH SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

F.2
CONSIDER AMENDMENTS TO CHAPTER 14 - ANIMALS AND APPENDIX A - FEE SCHEDULE OF THE CODE OF ORDINANCES - ORDINANCE NO. 3235
APPROVED

Chun Mezger, Humane Services Supervisor, presented the item. Staff is recommending an amendment to Chapter 14 and Appendix A of the Code of Ordinances of the City of North Richland Hills. Chapter 14 deals with the regulation of animals, including dangerous dogs, and Appendix A establishes fees. A large portion of the amendments deal with house cleaning items such as adding new definitions for people who foster animals within the city, placing a limit on the number that they can foster at one time and recognizing ferrets as a domestic animal. A notable change to the ordinance deals with Dangerous Dogs. The terms 'registerable' and 'non registerable' have been removed. The proposed ordinance will view a dog as either dangerous or not dangerous and will include attacks on animals, as well as humans, as part of the definition. The current ordinance does not address attacks on another animal unless the other animal is killed. Also, dogs that have been deemed dangerous by another city will not be allowed to reside in North Richland Hills. The registration fee for a dangerous dog is proposed to increase from $63 to $600 to ensure that residents who keep a dangerous dog in North Richland Hills are fully committed to maintaining the associated safeguards and requirements. Staff has surveyed the fees of neighboring cities and is proposing a few adjustments to bring fees in line with the average. Staff is also recommending an increase in the adoption fee to recoup some of the associated medical expenses. Staff recommends approval of Ordinance No. 3235.

COUNCILMAN RODRIGUEZ MOVED TO APPROVE ORDINANCE NO. 3235. COUNCILWOMAN WRIGHT OUJESKY SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

F.3
APPROVE AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY THAT CREATES A WEST NILE VIRUS MOSQUITO SURVEILLANCE AND RESPONSE PROGRAM AND AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH AGREEMENT
APPROVED

Eric Cook, Fire Captain, presented the item. This item approves an Interlocal Agreement with Tarrant County that creates a West Nile Virus Mosquito Surveillance and Response Program and authorizes the City Manager to execute such agreement. The term of the Agreement will begin on the date of complete execution "Effective Date" and will expire on September 30, 2013. It will automatically renew for successive terms of 1 year each and can be terminated by either party upon 60 days written notice prior to the beginning of any term of the Agreement.

MAYOR PRO TEM LOMBARD MOVED TO APPROVE AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY THAT CREATES A WEST NILE VIRUS MOSQUITO SURVEILLANCE AND RESPONSE PROGRAM AND AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH AGREEMENT. COUNCILMAN TURNAGE SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

RECESS AND BACK TO ORDER

Mayor Trevino recessed the meeting at 7:47 p.m. and called the meeting back to order at 8:03 p.m. with all members present as recorded.

G.0
EXECUTIVE SESSION ITEMS

G.1
ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA

B.1
ECONOMIC DEVELOPMENT INCENTIVE IN NORTHEAST SECTOR OF CITY
APPROVED

Craig Hulse, Economic Development Director, summarized the item. A-S 116 Precinct Line Road/North Tarrant Parkway, LTD. is a developer working with numerous retail based businesses on a 27 acre project off North Tarrant Parkway in between Davis Boulevard and Precinct Line. Their plan to bring quality retail tenants benefits not only the City, but the region as a whole. In order to commence and ensure project success, the framework for a partnership between the developer and the City is before Council for possible consideration. Staff recommends City Council authorize the City Manager to execute an Economic Development Agreement with 'A-S 116 Precinct Line Road/North Tarrant Parkway, LTD.' subject to City Attorney approval.

COUNCILMAN TURNAGE MOVED TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH A-S 116 PRECINCT LINE ROAD/NORTH TARRANT PARKWAY, LTD. SUBJECT TO CITY ATTORNEY APPROVAL. MAYOR PRO TEM LOMBARD SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

B.2
CONSIDER ACQUISITION OF AN EASEMENT AND CONFER WITH ATTORNEY CONCERNING PENDING AND CONTEMPLATED LITIGATION REGARDING AN EASEMENT IN THE THOMAS PECK SURVEY – RESOLUTION NO. 2013-014
APPROVED

Caroline Waggoner, Associate Engineer, summarized the item. Staff is requesting approval of Resolution No. 2013-014 and a City Developer Agreement to acquire an offset sanitary sewer easement on the north part of town.

COUNCILMAN WELCH MOVED TO APPROVE. COUNCILMAN RODRIGUEZ SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

Motion for Item B.2 amended after Item H.1

H.0
INFORMATION AND REPORTS

H.1
NRH LIBRARY UPDATE IN CONJUNCTION WITH NATIONAL LIBRARY WEEK

Cecilia Barham, Library Director, updated Council on the library usage, new programs and services in conjunction with National Library Week. Ms. Barham also reported on trends in eBooks in libraries and how the NRH Library is adapting to the use of digital books and other trends related to library services.

Mayor Trevino announced that Council needed to revisit Item G.1 (B.2) to amend the motion to include additional language that was left off.

G.1
ACTION ON ANY ITEM DISCUSSED IN EXECUTIVE SESSION LISTED ON WORK SESSION AGENDA

B.2
CONSIDER ACQUISITION OF AN EASEMENT AND CONFER WITH ATTORNEY CONCERNING PENDING AND CONTEMPLATED LITIGATION REGARDING AN EASEMENT IN THE THOMAS PECK SURVEY – RESOLUTION NO. 2013-014
APPROVED

Mayor Trevino called for the amended motion.

MAYOR PRO TEM LOMBARD MOVED THAT THE CITY COUNCIL AUTHORIZE THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE A SANITARY SEWER EASEMENT IN THE PECK ADDITION, TARRANT COUNTY, TEXAS AS DESCRIBED IN THE ATTACHMENT TO RESOLUTION NO. 2013-014 AND ADOPT RESOLUTION NO. 2013-014. COUNCILWOMAN WRIGHT OUJESKY SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

H.2
ANNOUNCEMENTS

Councilman Turnage made the following announcements.

The NRH Animal Adoption & Rescue Center and the Texas Coalition for Animal Protection will host a Low Cost Pet Vaccination Clinic from 10 a.m. to noon on Saturday, April 27, 2013 at Linda Spurlock Park, 6400 Glenview Drive. The clinic will offer rabies vaccinations, canine and feline boosters and heartworm testing. NRH pet license tags will also be available. For more information, please call 817-427-6570.

Come out to Iron Horse Golf Course the evening of April 26th to enjoy a game of Glow Ball. The event begins at 7:00 pm with registration and dinner and the 9-hole glow ball game will start at dusk. Registration costs $39.95 and includes: green fee, cart fee, range balls, glow golf ball and a glow necklace. For more information call 817-485-6666.

Kudos Korner - John Baxter, Parks Department. A call was received from a patron of the various NRH parks expressing appreciation to John for his quick response to a request for repairing and maintaining working lights at the Norich Park. He was very impressed with the dedication and pride that John and all the employees take with the upkeep of the city parks.

H.3
ADJOURNMENT

Mayor Trevino adjourned the meeting at 8:24 p.m.

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Oscar Trevino – Mayor

ATTEST:

_____
Patricia Hutson, City Secretary