

**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 – FEBRUARY 8, 2010**

WORK SESSION

The City Council of the City of North Richland Hills, Texas met in work session on the 8th day of February 2010 at 5:45 p.m. in the Council Work Room prior to the 7:00 p.m. regular Council meeting.

Present:	Oscar Trevino	Mayor
	Scott Turnage	Mayor Pro Tem, Council, Place 6
	John Lewis	Council, Place 1
	Ken Sapp	Council, Place 2
	Tom Lombard	Council, Place 3
	Tim Barth	Council, Place 4
	Tim Welch	Council, Place 7
Staff Members:	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	City Attorney
	Mary Peters	Public Information Officer
	Elizabeth Reining	Assistant to City Manager
	John Pitstick	Director of Planning & Development
	Larry Koonce	Finance Director
	Eric Wilhite	Chief Planner
	Jimmy Cates	Public Works Operations Manager
	JoAnn Stout	Neighborhood Services Director
	Greg VanNieuwenhuize	Assistant Public Works Director
	Andy Kancel	Assistant Police Chief
	Mike Hamlin	Assistant Police Chief
	Dave Pendley	Building Official
	Craig Hulse	Economic Development Director
Absent:	David Whitson	Council, Place 5

Call to Order

Mayor Trevino called the work session to order at 5:45 p.m.

A.1 Discuss Items from Regular City Council Meeting

There were no questions from Council.

A.2 IR 2010-009 Mayor's Health & Fitness Initiative

Vickie Loftice, Managing Director, briefly gave an introduction to the Mayor's Health & Fitness Initiative. Ms. Loftice introduced Tina Earle, Marketing Coordinator for Parks and Recreation Department. Ms. Earle presented a PowerPoint presentation on the Mayor's Health & Fitness Initiative for 2010. The mission of the Mayor's Health and Fitness Initiative is to support and encourage residents to improve their fitness level by encouraging regular physical activity, improved nutrition and a healthier life while promoting a sense of community. The program will consist of multiple components, with activities and support designed for all ages of the community.

These components include:

- American Heart Association Start! Walking Program
- NRH Fit Districts
- Comprehensive Marketing Campaign
- Mayor's Proclamation on the Initiative will be read in March, 2010.
- Mayor's Fun Walk
- Susan G. Komen's Race for the Cure
- BISD Elementary Youth Fitness Pledge
- A City Employee Olympic Style Challenge (Sportsfest)

A.3 IR 2010-010 Discuss Transportation and Access Along State Highway 121/183 and Bedford Euless Rd.

Craig Hulse, Economic Development Director presented a PowerPoint presentation and spoke on some potential improvements to I-820 and access along State Highway 121/183 and Bedford Euless Road that would benefit North Richland Hills. The North Tarrant Express (NTE) project consists of a series of major improvements to I-820 and SH 121/183 highway corridor in northeast Tarrant County. The majority of North Richland Hills falls along the I-820 segment of the project, but a small significant amount also falls along SH 121/183, specifically the commercial areas along Bedford-Euless Road that borders the City of Hurst and Northeast Mall. Over time, this portion of North Richland Hills has experienced a reduction in economic activity, specifically a rise in retail vacancy and declines in both taxable sales and appraised property values. While various elements have contributed to these conditions, access from adjoining highways as well as internal site circulation and connectivity are considered major contributors.

While the NTE is designed to help relieve regional traffic congestion, improve safety and pave the way for future growth in one of the country's most congested and fastest-

growing regions; the timing is right to better understand the proposed designs and determine the feasibility of potential changes that would improve access and economic viability to this specific area. The City has the opportunity to consider a series of proposals that would determine feasible redesign scenarios that could be considered by TxDOT and commercial property owners. Although acceptance of geometric feasibility may be the first step of TxDOT's formal access modification process; further studies and plan preparation would be required for formal approval and implementation. Funds specifically dedicated for this effort were adopted in the FY 2009/2010 Capital Projects Budget. After brief discussion and questions by the Council, the consensus was to move forward.

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 551.071 Texas Government Code for Consultation with Attorney regarding Pending Litigation - 1) Hometown Urban Partners, Ltd. vs. City of North Richland Hills (No. 096-236530-09); 2) Arcadia Land Partners 25 Ltd., et al vs. City of North Richland Hills (No. 067-241297-09); 3) Venue at Hometown vs. City of North Richland Hills, et al (No. 352-237213-09)

Mayor Trevino announced at 6:10 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.071 for consultation with attorney regarding pending litigation – 1) Hometown Urban Partners, Ltd. vs. City of North Richland Hills (No. 096-236530-09); 2) Arcadia Land Partners 25 Ltd., et al vs. City of North Richland Hills (No. 067-241297-09); 3) Venue at Hometown vs. City of North Richland Hills, et al (No. 352-237213-09).

C.0 Adjournment

Mayor Trevino announced at 6:43 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 February 8, 2010 at 7:00 p.m.

ROLL CALL

Present:	Oscar Trevino	Mayor
	Scott Turnage	Mayor Pro Tem, Council, Place 6
	John Lewis	Council, Place 1
	Ken Sapp	Council, Place 2
	Tom Lombard	Council, Place 3
	Tim Barth	Council, Place 4
	David Whitson	Council, Place 5
	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

Councilman Barth gave the invocation.

A.2 PLEDGE OF ALLEGIANCE

Councilman Barth led the pledge of allegiance.

A.3 SPECIAL PRESENTATION(S) AND RECOGNITION(S) - NATIONAL ENGINEERS WEEK PROCLAMATION PRESENTED BY COUNCILMAN WELCH

Councilman Welch presented the National Engineers Week Proclamation to Mike Curtis, Managing Director and invited all Engineers present in the audience to please come forward and join him at the podium so that they all could be recognized.

**A.4
SPECIAL PRESENTATION(S) AND RECOGNITION(S) -
ANNUAL BUNNY AND BEAR DRIVE PRESENTED BY HALEY WHATLEY**

Ms. Haley Whatley presented the Council with a memento from her 10th Annual Bunny & Bear Drive benefiting Cook Children's Medical Center in Fort Worth. Ms. Whatley was recognized in Washington DC as one of the Texas Top Two Youth Volunteers.

**A.5
CITIZEN PRESENTATION**

Mayor Pro Tem Turnage announced that Mr. Noel Jones asked to speak on the 2010 Federal Legislative Positions (Item F.2). Mayor Trevino announced that because the item was on the agenda it could not be addressed during citizens presentation. Mayor Trevino asked Mr. Jones to email Council with his concerns.

**A.6
REMOVAL OF ITEM(S) FROM THE CONSENT AGENDA**

None.

**B.0
APPROVAL OF CONSENT AGENDA ITEMS
APPROVED**

B.1 APPROVAL OF MINUTES OF JANUARY 25, 2010 CITY COUNCIL MEETING

B.2 PW 2010-008 AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT FOR THE CITY'S TRAFFIC SIGNAL ADAPTIVE SYSTEM CIP PROJECT ST1004 - RESOLUTION NO. 2010-010 AND REVISE THE 2009/2010 CIP BUDGET FOR PROJECT ST1004

COUNCILMAN LEWIS MOVED TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM TURNAGE SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

PUBLIC HEARINGS

C.1

**GN 2010-008 CONDUCT A PUBLIC HEARING FOR THE 36TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
APPROVED**

Mayor Trevino opened the Public Hearing.

Ms. Elizabeth Reining, Assistant to the City Manager, presented the item. The City participates in the CDBG program and each year the City must prepare and submit a CDBG program outlining the use of the funds in accordance with HUD guidelines. The City is proposing to use the funds for the 36th CDBG program in the following manner:

- \$214,995 for the design and reconstruction of a portion of the 3900 and 4000 blocks of Honey Lane (approximately 400 feet starting 400 feet north of Harmonson Road and going north).
- \$45,000 to be allocated and used for the rehabilitation of residential homes located within the target area identified by the most recent census as being low to moderate income.

The City has submitted application to Tarrant County who administers the program. The City is required to hold a public hearing to receive comments and input from citizens regarding the proposed 36th CDBG program. Following the public hearing, a resolution to approve the program is required.

Mayor Trevino called for comments on the 36th year CDBG program. There being no one wishing to speak, Mayor Trevino closed the public hearing.

C.2

**GN 2010-009 APPROVE 36TH YEAR (2010/2011) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - RESOLUTION NO. 2010-009 (THIS ITEM IS NOT A PUBLIC HEARING BUT RELATED TO ITEM C.1)
APPROVED**

Ms. Elizabeth Reining, Assistant to the City Manager presented the item. Item is the second part of the CDBG process. Following the public hearing, the City Council is required to take action on the projects to be included in the 36th year CDBG entitlement program. The funds will be used as presented in Agenda Item C.1 above.

**COUNCILMAN SAPP MOVED TO APPROVE GN 2010-009; RESOLUTION No. 2010-009.
COUNCILMAN WHITSON SECONDED THE MOTION.**

MOTION TO APPROVE CARRIED 7-0.

PLANNING & DEVELOPMENT

D.1

GN 2010-010 AMENDING SIGN REGULATIONS ESTABLISHING REQUIREMENTS FOR DIGITAL BILLBOARDS ALONG FREEWAYS - ORDINANCE NO. 3086 APPROVED

Dave Pendley, Building Official, presented the item. This amendment to the sign regulations would provide a method for replacing existing billboards located along Loop 820 and Highway 121 with digital billboards. The amendment will allow existing billboards to be upgraded with new digital technology and provide drivers with a fresh, modern look as they pass through the city. The amendment will also provide additional advertising opportunities for the City and local businesses. The proposed changes will only allow the upgrade of existing off premise billboard signs, the changes will not allow new billboard signs to be constructed. The amendment will allow companies to update and modernize their aging structures by replacing their signs with digital technology provided they upgrade their support structures with decorative, aesthetically pleasing, finish materials.

COUNCILMAN WELCH MOVED TO APPROVE ORDINANCE No. 3086. COUNCILMAN BARTH SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

PUBLIC WORKS

E.1

PW 2010-006 APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF NORTH RICHLAND HILLS, RICHLAND HILLS, FORT WORTH AND HALTOM CITY FOR THE DESIGN AND CONSTRUCTION OF THE BIG FOSSIL CREEK WASTEWATER OUTFALL SYSTEM IMPROVEMENTS AND THE TEMPORARY MAINTENANCE FOR THE EXISTING WASTEWATER OUTFALL SYSTEM APPROVED

Mike Curtis, Managing Director, presented the item. The purpose of the Interlocal Agreement between the cities of North Richland Hills, Fort Worth, Richland Hills and Haltom City is to address two issues:

1. The design and construction of a new Big Fossil Creek Outfall Main.
2. The Operation and Maintenance (O&M) of the existing system until the new outfall main is completed.

Council approved a similar version of this agreement during its May 18, 2009 Regular City Council Meeting. However, shortly after North Richland Hills, Richland Hills and Haltom City approved the agreement Fort Worth staff realized that a revision needed to be made to the agreement because it was determined that the Texas Commission on Environmental Quality (TCEQ) will hold the reporting agency responsible for sanitary sewer overflows. Originally the City of Fort Worth agreed to respond to any overflows that occurred from these lines and to report the overflows to the TCEQ. The revision now requires the city of origin for the wastewater contributing to the overflow to report the overflow to the TCEQ and the public if necessary.

The interlocal agreement outlines the responsibilities of the four cities for the engineering, right-of-way acquisition, construction and project management for a new Big Fossil Creek Wastewater Outfall project. The cost allocation for each city is based on the percent of flow being contributed to the system by each city. The City of Fort Worth is requiring each city to be responsible to get its flow into the new outfall main. The City of Fort Worth will administer all phases (design, right-of-way, and construction) for this project and the other three cities will reimburse Fort Worth based on the percentages outlined in the agreement.

MAYOR PRO TEM TURNAGE MOVED TO APPROVE PW 2010-006. COUNCILMAN SAPP SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

E.2

PW 2010-007 ABANDON PUBLIC RIGHT-OF-WAY WITHIN LOT 8 OF BLOCK 1 OF THE OAKVALE ADDITION - ORDINANCE NO. 3087 APPROVED

Greg VanNieuwenhuize, Assistant Public Works Director, presented the item. In 1970, a 25-foot wide strip of land along the eastern property line of Lot 8 of Block 1 of the Oakvale Addition was dedicated to the City of North Richland Hills as public right-of-way (ROW) as a requirement for development. Deed records indicate that this strip of land was to serve as half of a future street in this area; however, over the past 40 years no street improvements were ever constructed. A street connection at this location is neither shown on the Master Thoroughfare Plan nor is it necessary to serve the residents in this area of the City. The property owner is now requesting the City abandon the 25-foot wide street ROW located along the eastern property line of Lot 8 of Block 1 of the Oakvale Addition. As the ROW was dedicated by a previous property owner at no cost to the City as a condition of development, staff recommends allowing the ownership of the land to revert back to the current property owner with no compensation to the City.

**COUNCILMAN WELCH MOVED TO APPROVE PW 2010-007; ORDINANCE No. 3087.
COUNCILMAN WHITSON SECONDED THE MOTION.**

MOTION TO APPROVE CARRIED 7-0.

GENERAL ITEMS

F.1

**GN 2010-011 CALLING MAY 8, 2010 CITY COUNCIL ELECTION AND AUTHORIZING
A JOINT ELECTION AGREEMENT WITH OTHER TARRANT COUNTY
POLITICAL SUBDIVISIONS AND CONTRACT FOR ELECTION SERVICES
WITH TARRANT COUNTY - RESOLUTION NO. 2010-008
APPROVED**

Ms. Patricia Hutson, City Secretary, presented the item. The Resolution orders the City's General Election for May 8, 2010 for a Mayor and Council Places 2, 4, and 6 for two-year terms of office, establishes voting locations, provides for the appointment of election officials, provides for early voting and election day procedures and authorizes the Mayor to execute a contract with Tarrant County for election services. Tarrant County has requested those governing bodies holding a May election to enter into a joint election agreement and contract with the County for election services. The election will be held jointly with the North Richland Hills Crime Control & Prevention District Election and other Tarrant County cities and schools with Tarrant County administering the election. With the passage of SB 1970 during the last legislative session, the election order and notice must state the location of each early voting location. After Tarrant County has finalized all early voting locations, the City Council will need to approve an amended resolution that lists the locations of each early voting location throughout the County.

**COUNCILMAN LOMBARD MOVED TO APPROVE RESOLUTION No. 2010-008. COUNCILMAN
LEWIS SECONDED THE MOTION.**

MOTION TO APPROVE CARRIED 7-0.

F.2

**GN 2010-012 APPROVE 2010 FEDERAL LEGISLATIVE POSITIONS
APPROVED**

Karen Bostic, Assistant City Manager presented the item. As in previous years, four guiding principles were used to determine positions on city-related issues:

The four guiding principles used to develop the legislative program are:

- Support for local control;
- Insurance of a predictable and sufficient level of revenue to manage local affairs;
- Opposition of unfunded mandates;
- Support of legislation that increases the quality of life for citizens of North Richland Hills.

The City's positions on various issues fall into the following categories:

Protecting Local Programs, Powers and Revenues

- Telecommunications & Information Technology
- Community Development Block Grant
- Energy Efficiency and Conservation Block Grant

Protecting the Homeland

- Public Safety & Homeland Security

Unfunded Mandates

- Transportation
- Public Safety Collective Bargaining
- Immigration Reform
- Healthcare Reform

COUNCILMAN LEWIS MOVED TO APPROVE GN 2010-012. MAYOR PRO TEM TURNAGE SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

F.3

GN 2010-013 APPROVAL OF THE ONE-YEAR RENEWAL OPTION AND AMENDMENT TO THE IRON HORSE GOLF COURSE MANAGEMENT AGREEMENT APPROVED

Vickie Loftice, Managing Director, presented the item. The management services at Iron Horse Golf Course have been provided contractually since its first year of operation. The services have been provided through the years by Evergreen Golf Limited, L.P. a Delaware limited partnership. The most recent Management Agreement was for a three year period beginning in January 2007 with two, one-year renewal options. Staff is recommending execution of the first one-year renewal option with the following amendment to the existing agreement:

Page 5, 3 (b) the addition of: Notwithstanding anything else to the contrary in this Agreement, City shall not be responsible for and shall not be required to reimburse EAGLE for the cost of employee claims, attorney fees or litigation

expenses arising out of claims for race, sex, age, or other discrimination alleged to have been committed by EAGLE.

The proposed one-year optional extension to the Management Agreement will have a January, 2010 effective date and terminate on December 31, 2010. At the end of the first renewal option the City may opt to renew the second one year option for 2011 and renegotiate or issue Request for Proposals for 2012.

COUNCILMAN SAPP MOVED TO APPROVE GN 2010-013. COUNCILMAN BARTH SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

F.4

GN 2010-014 LICENSE AGREEMENT WITH ENTERPRISE TEXAS GAS SERVICES COMPANY FOR A GAS PIPELINE IN FOSSIL CREEK PARK AND IRON HORSE GOLF COURSE APPROVED

John Pitstick, Planning and Development Director, presented the item. The item is a license agreement with Enterprise Texas Gas Services Company to construct and maintain a 30 inch gas pipeline through Fossil Creek Park and Iron Horse Golf Course. A separate item is also on the agenda for approval of a license agreement with Texas Midstream Gas Services Company to construct and maintain a 24 inch gas pipeline in the same 20 foot wide easement. Enterprise Texas and Texas Midstream are sharing the same 20 foot wide easement and separating the pipelines vertically. The entire gas pipeline will be bored within the Iron Horse Golf Course property. There is a small section on the southern end of Fossil Creek Park that will require an open cut and a staging area for the long bore made northward.

Both license agreements with Enterprise Texas Gas Services Company and Midstream Gas Services Company are for a 20 year timeframe. License fees include \$2.25 per square foot of permanent licensed area which includes a 20 foot wide easement for a length of 4,272 linear feet. The license fees also include \$1.00 per square foot for about 2.5 acres of temporary work space primarily in the southwest portion of Fossil Creek Park. This will total \$305,105.50 in license fees for each gas pipeline. There will also be a total of \$54,519 for tree mitigation in the Fossil Creek Park. The tree mitigation fee can be shared by both pipeline companies. Separate license fees will be charged to both companies for the license area and temporary work space. The City is also requiring the replacement of a post and cable fence in Fossil Creek Park with a split rail fence as part of the agreement.

COUNCILMAN WELCH MOVED TO APPROVE GN 2010-014. COUNCILMAN WHITSON SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

F.5
GN 2010-015 LICENSE AGREEMENT WITH TEXAS MIDSTREAM GAS SERVICES
COMPANY FOR GAS PIPELINE IN FOSSIL CREEK PARK AND IRON HORSE
GOLF COURSE
APPROVED

John Pitstick, Planning and Development Director, presented the item. This item is similar to the previous agenda item requesting approval of a license agreement with Texas Midstream Gas Services Company to construct and maintain a 24 inch gas pipeline in the same 20 foot wide easement. As indicated in the previous item both gas lines will be constructed within the same 20 foot wide easement, timeframe is for 20 years and license fees are the same as Enterprise Texas Gas Services Company.

MAYOR PRO TEM TURNAGE MOVED TO APPROVE GN 2010-015. COUNCILMAN LOMBARD SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 7-0.

EXECUTIVE SESSION ITEMS

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

No action needed.

INFORMATION AND REPORTS

H.1
ANNOUNCEMENTS

Councilman Lombard made the following announcements.

The North Richland Hills Fire Department offers CPR classes once a month at the Fire Administration Building. The next class is scheduled from 1 p.m. to 5 p.m. on Saturday,

February 13. The cost is \$25. To sign up or get more information, please call 817-427-6901.

Early voting for the March 2nd Republican and Democratic Primary Elections will be held February 15th through 26th. In North Richland Hills, early voting will take place at the NRH Recreation Center, 6720 NE Loop 820. Early voting will also take place at several other locations in Tarrant County. For a complete list of voting times and locations, visit www.tarrantcounty.com/evote or call 817-831-VOTE.

Kudos Korner - Debbie Heizer, Neighborhood Services Department. A resident called to commend Debbie for helping to solve a water drainage issue on their property. The family recently moved here from Georgia and they were thankful for all the help and support that Debbie extended. Keep up the good work!

H.2 ADJOURNMENT

Mayor Trevino adjourned the meeting at 7:57 p.m.

Oscar Trevino – Mayor

ATTEST:

Patricia Hutson, City Secretary