

**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 – OCTOBER 12, 2009**

**WORK SESSION**

The City Council of the City of North Richland Hills, Texas met in work session on the 12<sup>th</sup> day of October 2009 at 5:30 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
	David Whitson	Council, Place 5
	Tim Welch	Council, Place 7
Staff Members:	Mark Hindman	City Manager
	Karen Bostic	Assistant City Manager
	Jimmy Perdue	Assistant City Manager
	Mike Curtis	Managing Director
	Vickie Loftice	Managing Director
	Patricia Hutson	City Secretary
	Monica Solko	Assistant City Secretary
	Betsy Elam	Attorney
	Mary Peters	Public Information Officer
	Elizabeth Reining	Assistant to City Manager
	John Pitstick	Director of Planning & Development
	Larry Koonce	Finance Director
	Greg VanNieuwenhuize	Assistant Public Works Director
	Mike Hamlin	Assistant Police Chief
	Eric Wilhite	Chief Planner
	Patrick Hillis	Human Resources Director
	Craig Hulse	Economic Development Director

**Call to Order**

Mayor Trevino called the work session to order at 5:30 p.m.

**A.1 Discuss Items from Regular City Council Meeting**

Agenda Item B.4, GN 2009-071 – Mayor Trevino advised that the item would be removed from the Consent Agenda during the regular meeting. After Staff presented the item, Council would have the opportunity to discuss and vote on the item separately.

A.2 IR 2009-104 Tarrant Appraisal District Board of Directors Upcoming Election

Ms. Karen Bostic, Assistant City Manager, advised that the election process for the Tarrant Appraisal District Board of Directors has begun and if the City wanted to submit nominations to the Board they must be submitted by October 14. The City of North Richland Hills is allocated 41 of the 5,000 votes, based on the 2008 adjusted tax levy. Ms Bostic explained the steps in the election process and requested direction from Council on whether they would like to submit a nomination. After a brief discussion by Council, the consensus of Council was not to submit nominations. Council was advised that an item had been placed on the regular agenda in the event that they chose to make a nomination. Since Council is opting not to make a nomination, the agenda item will require no action.

A.3 IR 2009-103 Small Scale Renewable Energy Systems

Mr. Eric Wilhite, Chief Planner, presented a PowerPoint presentation on wind and solar renewable energy systems. The Zoning Ordinance currently permits “wind chargers” with a Special Use Permit in all zoning districts on lots of two acres or larger and solar panels only require a building permit. Council was advised Economic Stimulus funds are available for local and state renewable energy installations that can be used for projects to install solar panels, small wind turbines and other types of renewable energy at a public facility to generate electricity. Mr. Wilhite discussed small systems becoming feasible and desired by citizens and property owners. Staff is recommending the City begin to address the potential use and application of small renewable energy systems on residential and commercial properties. Council was advised that key land use issues to consider are aesthetics, noise, safety, and property values. The goal of regulatory controls should be to adequately address impacts in a way that is responsive to realistic concerns but not onerous to the turbine owner. Staff is recommending that consideration be given to applying design regulations on small systems as opposed to requiring a special use permit. Mr. Wilhite presented and discussed the following suggested regulations:

Small System Regulations:

- One per residential structure
- Appearance control by color – must be primarily light gray
- Prohibit any signage on units
- Not lighted unless required by law
- Removal of abandoned non-productive systems
- Use current noise standards with caveat “or 5 decibels above ambient noise levels, short term”
- Limit maximum height above tallest point of structure being placed on – possibly 12 to 15 feet.

Large Scale Turbine Regulations:

- Enhance current regulations along with Special Use Permit
- Establish setback to height ratio (1.5 times height)
- Height limitation not to exceed, such as 75 feet or 20 feet above tree line, no portion of blades may extend within 20 feet of ground
- Required to be in rear or side yards unless co-located with on-site appurtenance (such as area lighting fixture)
- One per lot
- Prohibit any signage on units
- Not lighted unless required by law
- Use current noise standards with caveat "or 5 decibels above ambient noise levels".

Solar Panel Regulations:

- Maximum percentage of roof coverage
- Must follow same angle as roof line
- Panels be less than 1 foot above roof decking
- "Free Standing" or elevated applications require Special Use Permit.

The majority of the Council members felt the City should start looking at putting regulations in place addressing wind and solar renewable energy systems. It was suggested that the regulations should also include provisions to address the removal of systems that become damaged and inoperable. A couple of the Council members had some reservations and expressed concerns with aesthetics and felt it should be more widespread before regulations were enacted by the City. The item will be sent to the Planning & Zoning Commission for their recommendations and then brought back to Council for further discussion and consideration.

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 551.072 Texas Government Code to Discuss Land Acquisition - South of 6701 Davis Blvd

B.2 Executive Session: Pursuant to Section 551.071 Texas Government Code to Confer with Attorney to Deliberate Settlement Offer on Home Town Urban Partners, Ltd. v. City of North Richland Hills

Mayor Trevino announced at 6:05 p.m. that the Council would adjourn into Executive Session pursuant to the provisions of the following sections of Chapter 551 of the Texas Government Code: Section 551.072 to discuss land acquisition south of 6701 Davis

Boulevard; Section 551.071 to confer with Attorney to deliberate settlement offer on Home Town Urban Partners, Ltd. v. City of North Richland Hills.

C.0 Adjournment

Mayor Trevino announced at 6:56 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 October 12, 2009 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
	Karen Bostic	Assistant City Manager
	Jimmy Perdue	Assistant City Manager
	Mike Curtis	Managing Director
	Vickie Loftice	Managing Director
	Patricia Hutson	City Secretary
	Monica Solko	Assistant City Secretary
	Betsy Elam	Attorney

**A.1  
INVOCATION**

Councilman Lombard gave the invocation.

**A.2  
PLEDGE OF ALLEGIANCE**

Councilman Lombard led the pledge of allegiance.

**A.3  
SPECIAL PRESENTATION(S) AND RECOGNITION(S) -  
CERTIFICATE OF RECOGNITION TO MID CITIES PREGNANCY CENTER -  
COUNCILMAN SAPP**

Councilman Sapp presented a certificate of recognition to Paula Odom, Executive Director of Mid-Cities Pregnancy Center in North Richland Hills for 25 years of continued service to the community.

**A.4  
CITIZENS PRESENTATION**

Charles Cole, 6825 Riviera Street, expressed his concerns on the importance of recycling and his concern for the deterioration of Tee Box #2 at the golf course near his home. Mayor Trevino asked Elizabeth Reining, Assistant to the City Manager to help Mr. Cole.

Libba Murphey, 7541 Lola Drive, expressed her opinion on prayer during Council Meetings.

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

Mayor Trevino requested item B.4, GN 2009-071 to be removed from the Consent Agenda for discussion.

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

**B.1 APPROVAL OF MINUTES OF SEPTEMBER 28, 2009 COUNCIL MEETING**

- B.2 PW 2009-039 AWARD A PROFESSIONAL SERVICES AGREEMENT TO DEOTTE, INC. IN THE AMOUNT OF \$26,000 FOR THE IRON HORSE GOLF COURSE DRAINAGE IMPROVEMENTS (2010) PROJECT**
- B.3 GN 2009-070 ELIMINATION OF THE MAXIMUM CONTRIBUTION RATE LIMIT FOR TMRS - ORDINANCE NO. 3073**
- B.4 GN 2009-071 ELIMINATION OF TMRS SUPPLEMENTAL DEATH BENEFIT - ORDINANCE NO. 3074 (*Removed from Consent Agenda*)**

**COUNCILMAN SAPP MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF ITEM B.4. MAYOR PRO TEM TURNAGE SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

**B.4  
GN 2009-071 ELIMINATION OF TMRS SUPPLEMENTAL DEATH  
BENEFIT - ORDINANCE NO. 3074  
APPROVED**

Patrick Hills, Human Resources Director, presented the item. During this difficult economic environment it was agreed that the City should suspend the Supplemental Death Benefit for the next calendar year. Suspending this benefit will decrease our 2010 phase in rate from 16.08% to 15.90% of payroll, resulting in an annual savings of approximately \$55,000. Should the City decide to reinstate the benefit at a later date, there is no "buy back" of past and future benefits compared to other annually repeating benefits. To make this change to our plan design, TMRS requires City Council to pass an ordinance discontinuing participation in the Supplemental Death Benefits fund.

**COUNCILMAN WHITSON MOVED TO APPROVE GN 2009-071; ORDINANCE No. 3074. COUNCILMAN BARTH SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

**PUBLIC HEARINGS**

**C.1**

**GN 2009-074 REQUEST BY RIVERCROWN INVESTMENTS LLC TO CLOSE AND ABANDON A PORTION OF SUSAN LEE LANE SOUTH OF SHORT STREET – ORDINANCE NO. 3076 (THIS ITEM IS NOT A PUBLIC HEARING BUT IS RELATED TO ITEM C.2)  
APPROVED**

Mayor Trevino called on Ernest Hedgecoth to come forward

Ernest Hedgecoth, 5701 C Midway Road, came forward representing the applicant. He was available to answer any questions Council may have.

Eric Wilhite, Chief Planner, summarized the item. Rivercrown Investments part of the Huggins Honda properties is requesting approval of a Replat of Lots 14-22, Block 4 and Lots 12-14, Block 5, Richland Terrace Addition into Lot 3R, Block 1, Rivercrown Addition. This includes previous single family lots purchased by Rivercrown. Part of this plat includes the closure and abandonment of Susan Lee Lane south of Short Street just north of the west-bound service road of Loop 820. The abandoned roadway will be utilized as part of the expanded Huggins Honda Auto Dealership. This proposed land use and road abandonment of Susan Lee Lane south of Short Street has been part of the Comprehensive Plan since 2002. Portions of the street right-of-way will remain as drainage and utility easements as indicated on the plat.

**COUNCILMAN WELCH MOVED TO APPROVE GN 2009-074; ORDINANCE No. 3076 CLOSING AND ABANDONING A PORTION OF SUSAN LEE LANE SOUTH OF SHORT STREET. COUNCILMAN WHITSON SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

**C.2**

**RP 2009-01 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM RIVERCROWN INVESTMENTS LLC FOR A REPLAT OF LOTS 14-22, BLOCK 4 AND LOTS 12-14, BLOCK 5, RICHLAND TERRACE ADDITION INTO LOT 3R, BLOCK 1, RIVERCROWN ADDITION (LOCATED IN THE 4800 BLOCKS OF NANCY LANE & SUSAN LEE LANE - 2.928 ACRES.)**

**APPROVED**

Mayor Trevino opened the public hearing and called for the applicant to come forward.

Ernest Hedgecoth, 5701 C Midway Road, came forward representing the applicant. He explained that after acquiring multiple lots the property needed to be replatted as one lot. He was available to answer any questions Council may have.

Eric Wilhite, Chief Planner, summarized the item. The applicant, Rivercrown Investments (Huggins Honda), is requesting a replat of several previously platted residential lots in Block 1 Rivercrown Addition. The purpose of the replat is to create one large lot by combining twelve previously platted lots and a portion of the Susan Lee Lane right-of-way. The homes around this area were purchased by the applicant during the past year and demolished. Combining all of the property will create a single large lot. This lot will be combined and included with the existing large commercial lots to the

west and south sometime in the future. The proposed replat being brought to Council at this time is an interim plan and is being done due to financing strategies and different investment entities being involved in the various properties. Huggins Honda plans to expand the dealership to the area being platted. The new site development will include a structure for vehicle repair, part sales and corporate offices. The Planning & Zoning Commission recommended approval by a 6-0 vote.

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 LEWIS MOVED TO APPROVE RP 2009-01. MAYOR PRO TEM TURNAGE SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

### **C.3**

**ZC 2009-07 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM GALEN AND JANE DINKEL FOR A ZONING CHANGE FROM AG AGRICULTURAL TO R-1-S SPECIAL SINGLE FAMILY ON TRACT 1, ABSTRACT 1365 (LOCATED AT 8936 RUMFIELD ROAD - 1.930 ACRES.) - ORDINANCE NO. 3071  
APPROVED**

Mayor Trevino opened the public hearing and called for the applicant to come forward.

Ernest Hedgecoth, 5701 C Midway Road, came forward representing the applicant. He explained that the zoning request was a vacant lot where the applicants wanted to build a residence. He was available to answer any questions Council may have.

Eric Wilhite, Chief Planner, summarized the item. The applicant, Galen Dinkel, is requesting a zoning change on a 1.93 acre parcel from AG (agricultural) to R-1-S (special single family). The purpose of the zoning change request is to bring the property into a residential zoning district classification in order for the Dinkel's to be permitted to proceed with the construction of a new single-family residence. The Code of Ordinances requires that in order to construct a primary residence on a property it must be platted and residentially zoned. The Planning & Zoning Commission recommended approval by a 6-0 vote.

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 WHITSON MOVED TO APPROVE ZC 2009-07; ORDINANCE No. 3071. COUNCILMAN LOMBARD SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

## **PLANNING & DEVELOPMENT**

### **D.1**

**FP 2009-02 CONSIDERATION OF A REQUEST FROM GALEN AND JANE DINKEL TO APPROVE A FINAL PLAT OF LOT 2, BLOCK 1, JAMES ADDITION (LOCATED AT 8936 RUMFIELD ROAD - 1.930 ACRES.)**

**APPROVED**

Mayor Trevino called on Ernest Hedgecoth to present the item. Mr. Hedgecoth came forward representing the applicant and explained that the final plat was needed for the applicant to build a residence. He was available to answer any question Council may have.

Eric Wilhite, Chief Planner, summarized the item. The applicant and property owner, Galen Dinkle, is requesting approval of a final plat for a 1.93 acre tract in order to bring the property into conformance with subdivision regulations prior to constructing a proposed single family residence. A zoning change request is also running concurrently with this final plat request in order to bring the property into a residential zoning classification. The Planning & Zoning Commission recommended approval by a 6-0 vote.

**COUNCILMAN LOMBARD MOVED TO APPROVE FP 2009-02. COUNCILMAN WELCH SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

## **PUBLIC WORKS**

### **E.1**

**PW 2009-038 APPROVE ORDINANCE AMENDING SECTION 54.121 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; CHANGING SEVERAL LOCATIONS AND TIMES SCHOOL ZONES ARE CURRENTLY IN EFFECT - ORDINANCE NO. 3072**

**APPROVED**

Jimmy Cates, Public Works Operations Manager, presented the item. The School Traffic Safety Committee (STSC) is recommending changes to the School Speed Zone

Time Limits that are currently in effect. These revisions to the school speed zone times will better match the periods when students arrive and depart school campuses. This helps to calm traffic speeds during arrival and dismissal times around the schools, which helps to enhance the safety of the students. Staff is recommending approval of Ordinance No. 3072.

**COUNCILMAN WELCH MOVED TO APPROVE PW 2009-038; ORDINANCE No. 3072. COUNCILMAN WHITSON SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

## **GENERAL ITEMS**

### **F.1**

**GN 2009-069 TARRANT APPRAISAL DISTRICT BOARD OF DIRECTORS -  
NOMINATION FOR UPCOMING ELECTION - RESOLUTION NO. 2009-032  
NO ACTION TAKEN**

### **F.2**

**GN 2009-072 APPOINTMENT OF CHAIR TO REINVESTMENT ZONE 1 (TIF #1) AND  
CHAIR TO REINVESTMENT ZONE 2 (TIF #2)  
APPROVED**

Patricia Hutson, City Secretary, presented the item. In accordance with the Bylaws for Reinvestment Zone Number One and Reinvestment Zone Number Two, the City Council is to appoint the Chair to both boards on an annual basis. Mayor Trevino was appointed last year as Chair to both boards. The other officers consisting of a Vice-Chairman and Secretary are to be elected by the Board of Directors.

**COUNCILMAN WHITSON NOMINATED MAYOR TREVINO FOR CHAIR ON REINVESTMENT ZONE NUMBER 1 AND THE CHAIR OF REINVESTMENT ZONE NUMBER 2. COUNCILMAN SAPP SECONDED THE NOMINATION.**

**MOTION TO APPROVE CARRIED 7-0.**

### **F.3**

**GN 2009-073 APPOINTMENT TO PLACE 7 ON THE LIBRARY BOARD  
APPROVED**

Councilman Welch presented the item. Ms. Jane Birkes who has been serving in Place 7 on the Library Board has submitted her resignation. Councilman Welch

recommended the appointment of Mr. Jerry Sorensen to fill the vacancy. The term of office for Place 7 will expire June 30, 2011.

**COUNCILMAN WELCH MOVED TO APPOINT JERRY SORENSEN TO PLACE 7 ON THE LIBRARY BOARD; TERM EXPIRING JUNE 30, 2011. MAYOR PRO TEM TURNAGE 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**

#### **#1 DISCUSS LAND ACQUISITION SOUTH OF 6701 DAVIS BOULEVARD**

#### **APPROVED**

Jimmy Perdue, Assistant City Manager, presented the item. Staff recommends authorization for the City Manager to purchase 0.5 acres of commercial land at 6612 Snider Street in the amount of \$230,000; to amend the 2009/2010 Capital Improvement Project Budget in the amount of \$250,000 and to appropriate Gas Development Reserves for payment of property.

**MAYOR PRO TEM TURNAGE MOVED TO AUTHORIZE THE CITY MANAGER TO PURCHASE 0.5 ACRES OF COMMERCIAL LAND AT 6612 SNIDER STREET IN THE AMOUNT OF \$230,000; TO AMEND THE 2009/2010 CAPITAL IMPROVEMENT PROJECT BUDGET IN THE AMOUNT OF \$250,000 AND TO APPROPRIATE GAS DEVELOPMENT RESERVES FOR PAYMENT OF THE PROPERTY. COUNCILMAN LOMBARD SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 7-0.**

## **INFORMATION AND REPORTS**

### **H.1**

#### **ANNOUNCEMENTS**

Councilman Whitson made the following announcements.

The North Richland Hills Police Department is hosting two community meetings based on the geographical policing districts of the City. The first meeting is scheduled at 7 p.m. on Tuesday, October 20th in the Richland High School Cafeteria for residents who live in Districts 1, 2, 3 and 4. The second meeting is scheduled for 7 p.m. on Thursday, November 5th in the Birdville High School Cafeteria for residents who live in Districts 5, 6 and 7. Residents will learn about Police Department services and will be able to meet

the officers who patrol their neighborhoods. For more information, please contact the Police Department at 817-427-7021.

North Richland Hills is proud to be the home of the Texas Brahmas hockey team! The Brahmas will play their first home game of the 2009-2010 season on October 24th at the NYTEX Sports Centre located at 8851 Ice House Dr. For a complete game schedule and more information about the Brahmas, visit [www.brahmas.com](http://www.brahmas.com) or call 817-336-4423.

The public is invited to meet North Richland Hills' new City Manager, Mark Hindman, at a reception on Thursday, October 29th. The "come and go" reception will be held from 5 p.m. to 7 p.m. in the pavilion at Iron Horse Golf Course. To RSVP, please contact the City Manager's Office at 817-427-6003.

Kudos Korner - Brenda Talley, North Richland Hills Public Library. A comment was received from a customer of the Library regarding the excellent service provided by Library staff. The customer was especially impressed by Brenda Talley in the Adult Services Department. Brenda's kindness, friendly and respectful attitude, and smile say a lot about the city's Library, the customer said.

## **H.2 ADJOURNMENT**

Mayor Trevino adjourned the meeting at 7:50 p.m.

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Oscar Trevino – Mayor

### **ATTEST:**

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Patricia Hutson, City Secretary