

**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 26, 2009**

**WORK SESSION**

The City Council of the City of North Richland Hills, Texas met in work session on the 26<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
	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
	Craig Hulse	Economic Development Director
	Chris Amarante	Facilities & Construction Director
	Greg VanNieuwenhuize	Assistant Public Works Director
	Bill Thornton	Assistant Park & Recreation 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**

There were no items discussed.

**A.2 IR 2009-106 Discuss Scheduling of the November 23 and December 28 City Council Meetings**

Ms. Patricia Hutson, City Secretary, advised the last two council meetings in November and December are close to the holidays. In the past when meetings have fallen on or close to a holiday, Council has opted to cancel the meetings. Staff is recommending that the November 23 and December 28 meetings be cancelled and if there is unexpected business that cannot be handled at the remaining meetings, a special meeting could be called. Council was advised that an item had been placed on the regular agenda for Council to cancel the two meetings, if Council concurred with Staff's recommendation. The consensus of the Council was to cancel the two meetings.

### A.3 IR 2009-107 Review Recreation Center Facility Components and Site Plan

Ms. Vickie Loftice, Managing Director, advised that Brinkley Sargent Architects have completed the conceptual and site plans for the Recreation Center for Council's review. The recommendations to be presented to Council are based on the Leland Study, the Town Center Recreation Center Executive Summary, TIF #2 recommendations, and public input and stakeholder meetings. The recommendations have also been reviewed and are supported by the Park and Recreation Board. The Senior Services Committee was established to gauge public interest in combining the two senior centers into one new facility. Three senior public input meetings were held and 95% of those in attendance supported the addition of senior services to the new recreation center. Council was advised of two options available for the funding of the additional senior center space. One option is through the Park and Recreation Facilities Development Corporation 4B Sales Tax. This option will require that the Walkers Creek Park Phase II project be delayed two years and the renovation of Northfield Park be delayed four to six years depending on sales tax growth. The second option is to modify the TIF #2 Financing Plan, with approval from all participating taxing entities, to include the additional cost. Council was advised that Staff was seeking input and direction on 1) the Recreation Center components; 2) the Conceptual Site Plan; 3) addition of Senior Services; 4) method of funding for the additional space; and 5) Sustainable Design and LEED Certification.

Mr. Dwayne Brinkley, Brinkley Sargent Architects, presented a PowerPoint presentation on the findings of the public input process, the resulting programmatic elements and recommended amenities, and the conceptual and site plans. After discussion, Council expressed their support for the connectivity to the Library but questioned if consideration had been given to adding more parking on the south side to alleviate some of the Library's parking problems. Council was in favor of moving the building further to the north to utilize in the plaza between the Recreation Center and the Library more civic activities. The Council also desired more parking and transition between the two facilities. Council also requested that provisions be made to add alternate amenities. Mr. Scott Hunsaker, representing Brinkley Sargent Architects, discussed with Council the operations analysis for the Center. After discussion, Council was in favor of reducing the suggested 500 banquet space to a lower number – 350 to 375. Mr. Brinkley explained LEED certification and questioned if Council was interested in

obtaining LEED certification for the new facility. Council was interested in LEED certification, but because of time restraints was unable to discuss in detail. Council asked to be provided with the cost benefits on LEED certification and that the discussion be continued at a future work session.

B.0 EXECUTIVE SESSION

B.1 Executive Session: Pursuant to Section 551.072 Texas Government Code to Discuss Land Acquisition North of 6701 Davis Boulevard

B.2 Executive Session: Pursuant to Section 551.087 Texas Government Code to Discuss Potential Economic Development Incentives to Business Prospects in Midwest part of the City

B.3 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 6:48 p.m. that the Council would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.072 to discuss land acquisition north of 6701 Davis Boulevard, Section 552.087 to discuss potential economic development incentives to business prospects in the Midwest part of the City and 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 recessed the Executive Session at 6:53 p.m. and announced that Council would adjourn to the Regular Session and following the Regular Session would reconvene into Executive Session.

**REGULAR COUNCIL MEETING**

**A.0  
CALL TO ORDER**

Mayor Trevino called the meeting to order October 26, 2009 at 7:02 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
	George Staples	Attorney

**A.1  
INVOCATION**

Councilman Sapp gave the invocation.

**A.2  
PLEDGE OF ALLEGIANCE**

Andrew Orr with Boy Scout Troop 98 led the pledge of allegiance.

**A.3  
SPECIAL PRESENTATION(S) AND RECOGNITION(S)**

**Working for Clean Air Award**

Debbie York and Councilman Barth advised the City was presented at the 2009 Working for Clean Air Awards luncheon, the Clean Air Silver Award for employers with under 500 employees. The award was received for the City's commuter initiatives, business operations, fleet operations and community impact initiatives.

**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 OCTOBER 12, 2009 COUNCIL MEETING**

**B.2 PW 2009-040 AUTHORIZE THE CITY MANAGER TO SIGN A LICENSE AGREEMENT PROVIDED BY DALLAS AREA RAPID TRANSIT (DART) TO ACCOMMODATE THE "WATER LINE (HOLIDAY LANE AND IRON HORSE BOULEVARD)" PROJECT**

**B.3 GN 2009-081 APPROVE A RESOLUTION REQUESTED BY THE REGIONAL TRANSPORTATION COUNCIL SUPPORTING A STATEWIDE PROPOSITION AMENDING THE TEXAS CONSTITUTION (PROPOSITION 1 ON THE NOVEMBER 3, 2009 BALLOT) - RESOLUTION NO. 2009-033**

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

**MOTION TO APPROVE CARRIED 7-0**

**PUBLIC HEARINGS**

**C.1  
GN 2009-075 PUBLIC HEARING BY THE CITY OF NORTH RICHLAND HILLS  
FOR PROPOSED AMENDMENTS TO THE INANCE PLAN FOR  
REINVESTMENT ZONE NUMBER 1**

Mayor Trevino opened the Public Hearing.

Mr. Larry Koonce, Finance Director, presented the item. The purpose of the public hearing is to receive comments on proposed amendments to the Finance Plan for expansion of TIF Zone No. 1. The TIF Board of Directors and City Council approved

the Expansion Plan in November 2008. The approved plan assumed 100% participation from all entities participating in the expansion. The project total has not changed, but when the City went to each of the participating entities for their approval and participation, the City encountered the fact that Tarrant County College District could only approve 50% participation based on their policy. The amended plan changes the participation percentages and makes adjustments for a slightly lower property value growth than originally projected. Following the public hearing, Staff recommends approval of the plan.

Mayor Trevino called for comments on the proposed amendments to the Finance Plan.

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

## **C.2**

**GN 2009-076 APPROVE THE SECOND AMENDMENT TO THE REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER 1, CITY OF NORTH RICHLAND HILLS - ORDINANCE NO. 3075 (THIS ITEM IS NOT A PUBLIC HEARING BUT IS RELATED TO ITEM C.1)**

**APPROVED**

Item presented in conjunction with Item C.1, GN 2009-075.

**COUNCILMAN LEWIS MOVED TO APPROVE GN 2009-076, ORDINANCE No. 3075. COUNCILMAN BARTH SECONDED THE MOTION.**

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

## **PLANNING & DEVELOPMENT**

**No items for this category.**

## **PUBLIC WORKS**

### **E.1**

**PW 2009-041 AWARD A PROFESSIONAL SERVICES AGREEMENT TO FREESE AND NICHOLS, INC. IN THE AMOUNT OF \$173,000 FOR THE WATER/WASTEWATER MASTER PLAN AND IMPACT FEE STUDY PROJECT**

**APPROVED**

Mr. Greg VanNieuwenhuize, Assistant Public Works Director, presented the item. Item is to consider awarding a professional services agreement to Freese and Nichols to

conduct an update to the Impact Fee Study and Water/Wastewater Master Plan. The project is the first part of an overall project. The second part of the project, the Rate Study, will be administered by the Finance Department through a separate agreement since it is primarily finance driven while the impact fee and wastewater portion is engineering/public works driven. The Impact Fee Study must be updated every five years. The City's current program was approved in 2005. The Impact Fee Study can only consider improvements needed for future development over the next 10 years while the Water/Wastewater Master Plan not only considers these improvements, but also improvements necessary for build-out, and improvements needed to existing mains caused by population growth and inadequate water pressures. Staff is recommending approval of a professional services agreement with Freese and Nichols in the amount of \$173,000 for the Impact Fee Study Project and Water/Wastewater Master Plan.

**COUNCILMAN WELCH MOVED TO APPROVE PW 2009-041, APPROVING THE PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. IN THE AMOUNT OF \$173,000 FOR THE IMPACT FEE STUDY PROJECT AND WATER / WASTEWATER MASTER PLAN AND AUTHORIZE THE CITY MANAGER TO EXECUTE SUCH AGREEMENT. COUNCILMAN SAPP SECONDED THE MOTION.**

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

## **GENERAL ITEMS**

### **F.1**

#### **GN 2009-077 INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT - RESOLUTION NO. 2009-031 APPROVED**

Mr. Larry Koonce, Finance Director, presented the item. Item is to consider approval of Resolution No. 2009-031, which will allow the City to reimburse expenditures with proceeds of future debt from the planned 2010 bond sale. The bond sale is currently scheduled for the spring of 2010 and some of the approved projects may require funding prior to the bond sale. The projects that may be reimbursed with proceeds from the 2010 bond sale include 2003 bond election streets and drainage projects in the amount of \$6,245,000, the TIF 2 Recreation Center project in the amount of \$18,800,000, Community Center South of Loop 820 in the amount of \$1,920,000, Walker's Creek Park Phase 2 in the amount of \$500,000, aquatic park projects in the amount of \$225,000, drainage projects in the amount of \$2,510,000, utility projects in the amount of \$805,000 and fire and public works equipment totaling \$460,000. The total to be reimbursed with not exceed \$31,465,000 and any interim funding required will be appropriated from existing reserves and will be repaid upon receipt of the bond proceeds.

**MAYOR PRO TEM TURNAGE MOVED TO APPROVE RESOLUTION No. 2009-031 COUNCILMAN LOMBARD SECONDED THE MOTION.**

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

**F.2**

**GN 2009-078 AMENDING THE CODE OF ORDINANCES CHAPTER 18, ARTICLE VII REGULATING SOLICITORS AND HANDBILL DISTRIBUTION, CHAPTER 70, ARTICLE IV REGULATING CURB PAINTING VENDORS AND APPENDIX A FEES - ORDINANCE NO. 3077  
APPROVED**

Mr. George Staples, City Attorney, presented the item. The proposed ordinance is a complete rewrite of the current provisions regulating solicitors. It addresses some outstanding issues with solicitors and handbill distribution. The ordinance provides provisions to cancel solicitation permits for various violations, reduces solicitation permit time from one year to six months, adds provisions to regulate commercial handbill distribution, sets fees for solicitors and handbill distributors and adds restrictions for address number painting solicitation.

Councilman Sapp expressed concerns with the handbill regulations being too restrictive to some of the local businesses. He requested that the ordinance be reviewed in the future for any burdens that may have been placed on small businesses.

**COUNCILMAN WHITSON MOVED TO APPROVE ORDINANCE No. 3077. COUNCILMAN BARTH SECONDED THE MOTION.**

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

**F.3**

**GN 2009-079 APPOINTMENTS TO NAMING BOARD  
APPROVED**

Mayor Trevino advised he was seeking Council approval for three appointments to the Naming Board – Mayor Pro Tem Turnage, Councilman Lombard, and Councilman Barth.

**COUNCILMAN WELCH MOVED TO APPROVE THE MAYOR'S APPOINTMENT OF MAYOR PRO TEM TURNAGE, COUNCILMAN LOMBARD, AND COUNCILMAN BARTH TO THE NAMING BOARD. COUNCILMAN WHITSON SECONDED THE MOTION.**

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

**F.4  
GN 2009-080 CANCELLING THE NOVEMBER 23 AND DECEMBER 28 CITY  
COUNCIL MEETINGS  
APPROVED**

Patricia Hutson, City Secretary, presented the Item. The last two council meetings in November and December are in close proximity to the Thanksgiving and Christmas holidays. In the past when meetings have fallen on or close to a holiday, Council has opted to cancel the meetings. Staff is recommending the November 23 and December 28 meetings be cancelled and if there is unexpected business that cannot be handled at the remaining meetings consideration will be given to calling a special meeting.

**MAYOR PRO TEM TURNAGE MOVED TO APPROVE GN 2009-080, CANCELLING THE NOVEMBER 23 AND DECEMBER 28 CITY COUNCIL MEETINGS. COUNCILMAN WHITSON SECONDED THE MOTION.**

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

**EXECUTIVE SESSION ITEMS**

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

**B.1 Land Acquisition North of 6701 Davis Boulevard**

Mr. Jimmy Perdue, Assistant City Manager, presented the item. Staff recommends authorization for the City Manager to purchase of 1.4 acres of commercial land at 6808, 6812, 6816, 6820, 6824 and 6828 Mickey Court in the amount of \$200,000, amend the 2009/10 Capital Improvement Project Budget in the amount of \$230,000 (which includes closing costs), and appropriate gas development reserves for payment of the property.

**COUNCILMAN LOMBARD MOVED TO AUTHORIZE THE CITY MANAGER TO AUTHORIZE THE PURCHASE OF 1.4 ACRES OF COMMERCIAL LAND AT 6808, 6812, 6816, 6820, 6824 AND 6828 MICKEY COURT IN THE AMOUNT OF \$200,000, AMEND THE 2009/10 CAPITAL IMPROVEMENT PROJECT BUDGET IN THE AMOUNT OF \$230,000, WHICH INCLUDES CLOSING COSTS, AND APPROPRIATE GAS DEVELOPMENT RESERVES FOR PAYMENT OF THE PROPERTY. MAYOR PRO TEM TURNAGE SECONDED THE MOTION.**

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

## **INFORMATION AND REPORTS**

### **H.1 ANNOUNCEMENTS**

Councilman Lombard made the following announcements.

Early voting continues through Friday, October 30th for the November 3rd election to amend the Texas State Constitution. Early voting is being conducted at the NRH Recreation Center and other sites around Tarrant County. For more information, please call 817-831-VOTE or visit [tarrantcounty.com](http://tarrantcounty.com) and click on the "Tarrant Votes" link.

Join us for the 6th Annual Hoot n' Howl event on Saturday, October 31st at Green Valley Park, 7701 Smithfield Road. Hoot n' Howl will take place from 5 p.m. to 8 p.m. Admission is free. Activities will include games, bounce houses, hayrides, storytelling, a costume contest and more. This annual event is a safe alternative to trick or treating. For more details, please call 817-427-6600.

The City of North Richland Hills invites you to attend the annual Veterans Day Celebration on Wednesday, November 11th at Liberty Park. This special event will honor all who have served our country. The ceremony will begin at 11 a.m. Liberty Park is located at 5825 Holiday Lane. For more information, please call 817-427-6600.

Kudos Korner – Chun Mezger & Staff, Animal Adoption & Rescue Center. A resident recently sent a card to the Animal Adoption & Rescue Center to thank the staff for assisting her when her pet passed away. The kindness and respect that Chun and her staff showed during this difficult time will always be remembered, the resident said.

### **RECESS TO EXECUTIVE SESSION**

Mayor Trevino announced at 7:36 p.m. that Council would convene into Executive Session in the Council Work Room pursuant to the provisions of the following sections of the Texas Government Code, Section 551.087 to discuss potential economic development incentives to business prospects in Midwest part of the City and Section 551.071 to confer with Attorney to deliberate settlement offer on Home Town Urban Partners, Ltd. v. City of North Richland Hills. Any action needed as a result of Executive Session will be taken following the Executive Session in the Council Workroom and the Council meeting will be adjourned in the Council Work Room.

### **H.2 ADJOURNMENT**

Mayor Trevino adjourned the Executive Session at 9:08 p.m. and reconvened the regular session in open meeting. Mayor Trevino announced there was no action required from Executive Session and adjourned the meeting at 9:08 p.m.

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Oscar Trevino – Mayor

**ATTEST:**

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Patricia Hutson, City Secretary