

**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 – SEPTEMBER 28, 2009**

**WORK SESSION**

The City Council of the City of North Richland Hills, Texas met in work session on the 28<sup>th</sup> day of September 2009 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
	David Whitson	Council, Place 5
	Tim Welch	Council, Place 7
Staff Members:	Larry J. Cunningham	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
	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
	Andy Kancel	Assistant Police Chief
	Patrick Hillis	Human Resources Director
	Jamie Brockway	Purchasing Manager
	Greg VanNieuwenhuize	Assistant Public Works Director
	Laury Fiorello	Assistant Finance Director
	Craig Hulse	Economic Development Director

**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**

Agenda Item B.3, PU 2009-032 - Councilman Whitson inquired about the Grand Avenue Park Plaza construction schedule. Staff anticipates the project to be completed January 2010 with the work of art being unveiled at completion.

B.1 IR 2009-096 Legislative Update

Ms. Bostic, Assistant City Manager, updated Council on the legislation approved during the 81<sup>st</sup> Legislative Session that related to municipalities. Ms. Bostic highlighted the bills that impacted the City requiring action and those bills that the City did not need to take action or that the City is in compliance.

B.2 IR 2009-097 Financing Retiree Health Benefits and Meeting GASB 45 Requirements

Mr. Koonce, Finance Director, recapped GASB 45 requirements. Mr. Koonce presented the proposed plan being developed by Staff that will fund current and future retiree health care benefits. The City is proposing to make a one-time contribution of \$350,000 to establish a Retiree Health Benefit Fund and make annual contributions of \$100,000 or 10% of excess insurance fund reserves, whichever is greater. The first year's contribution is calculated at \$150,000. In future years, the City and employees will split the contribution at a ratio of 80% to 20%. Staff also recommends that the City Manager be given the discretion to make annual transfers from the general and utility funds to the retiree health benefit funds, as funds are available. The retiree health benefit fund should be established by an irrevocable trust. Staff also recommends that the Human Resources Department explore eligibility requirements for retirees and health plan design modifications to manage retiree health care costs. If Council concurs with the recommendations of Staff, Council will need to take the following steps 1) approval by resolution of the retiree health benefit funding plan; 2) establish an irrevocable trust and appoint a manager of the trust funds; 3) and make appropriate budget changes and fund transfers to establish the retiree health benefit fund. After questions from the Council, the consensus was for Staff to bring the required items forward for Council action.

B.3 IR 2009-098 Update on Northeast Transportation Service

Ms. Elizabeth Reining, Assistant to the City Manager, reported on the activities of the Northeast Transportation Service (NETS). The purpose of NETS is to provide door-to-door transportation service to the senior and disabled residents of Hurst, Bedford, Euless, Grapevine, Keller, Haltom City, and North Richland Hills. The majority of the trips are medical related, with other related trips for work, social services, senior centers, education and shopping. Ms. Reining reviewed the funding of NETS and reviewed the ridership usage by City. North Richland Hills had an 11% increase in trips this year and several of the other cities had an increase in usage. With the increase in usage, costs

usage, costs have increased. The NETS Board took steps in January in anticipation of continued increased usage costs and approved a five-year local contribution schedule that will begin October 1, 2009. Ms. Reining reviewed the new local contribution schedule and fare schedule. There were no questions from the Council.

**B.4 IR 2009-099 Preparation for Reauthorization of Crime Control District**

Mr. Perdue, Assistant City Manager, briefed the Council on the background of the City's Crime Control and Prevention District. The District was originally approved by the voters in 1996 for five years and reauthorized in 2001 for ten years. Council discussed the reauthorization during the Mid-Year Planning Work Shop and the consensus was to continue with the District. Mr. Perdue discussed with Council the time frame, the necessary steps for a reauthorization election and potential dates for the election. After discussion by the Council, the consensus was to seek a 20-year reauthorization and to move forward with holding the election in May 2010.

**C.0 Adjournment**

Mayor Trevino announced at 6:29 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 September 28, 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:	
	Larry J. Cunningham	City Manager

Karen Bostic  
Jimmy Perdue  
Mike Curtis  
Vickie Loftice  
Patricia Hutson  
Monica Solko  
George Staples

Assistant City Manager  
Assistant City Manager  
Managing Director  
Managing Director  
City Secretary  
Assistant City Secretary  
Attorney

**A.1  
INVOCATION**

Mayor Pro Tem Turnage gave the invocation.

**A.2  
PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Turnage led the pledge of allegiance.

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

No items for this category.

**A.4  
CITIZENS PRESENTATION**

Mayor Trevino announced that several appearance cards were turned in to speak during citizen presentation and citizens would be called in the order they was received. Mayor Pro Tem Turnage announced that he would call on as many citizens to come up and speak as time allowed. The following individuals spoke in favor of Council prayer before each Council Meeting.

Jay Garner, 6408 Devonshire Drive, NRH  
Jack Lewis, 4600 Sabelle, Haltom City  
Faith Mendoza, 4109 Cummings Drive, NRH  
Jack Drain, 733 Hunters Glen Court, Bedford  
Tito Rodriguez, 6701 Victoria, NRH  
Mike Peters, 7304 Wexford Court, NRH  
Roger Lewis, 8525 Castle Creek Road, NRH  
Kyle Smith, 7552 Starnes Road, NRH

Paul Paschall, 4809 Fairway Court, NRH  
Anna Griffith, 3700 Oakbriar Lane, Colleyville  
Jim Bustamante, 6921 Victoria Avenue, NRH

Mayor Pro Tem Turnage stated that due to time restraints any citizen still wishing to speak with the Mayor and Council could call the Mayor's Action Line at 817-427-6070 or email the Mayor at [mayor@nrhtx.com](mailto:mayor@nrhtx.com) with their comments.

## **RECESS AND BACK TO ORDER**

Mayor Trevino recessed the meeting at 7:38 p.m. and called the meeting back to order at 7:43 p.m. with all members present as recorded.

### **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 SEPTEMBER 14, 2009 COUNCIL MEETING**
- B.2 PW 2009-036 AWARD OF PROJECT RFB NO. 09-041 TO UTILITY CONSTRUCTION SERVICES OF TEXAS, INC. IN THE AMOUNT OF \$782,852.50 FOR THE CONSTRUCTION OF THE HOLIDAY LANE / IRON HORSE BOULEVARD WATER LINE PROJECT (UT0806)**
- B.3 PU 2009-032 AWARD BID NO. 09-002 TO AMERICAN LANDSCAPE SYSTEMS IN THE AMOUNT OF \$234,286 FOR CONSTRUCTION OF THE GRAND AVENUE PARK PLAZA**

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

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

## **PUBLIC HEARINGS C.1**

No items for this category.

## **PLANNING & DEVELOPMENT**

### **D.1**

**Items to follow do not require a public hearing.**

No items for this category.

## **PUBLIC WORKS**

### **E.1**

**PW 2009-037 APPROVE ORDINANCE AMENDING CHAPTER 102 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES, ESTABLISHING REGULATIONS FOR EROSION AND SEDIMENT CONTROL - ORDINANCE NO. 3070**

**APPROVED**

Greg VanNieuwenhuize, Assistant Public Works Director summarized the item. The National Pollutant Discharge Elimination System (NPDES) program is a federal regulatory program that was established to control discharges of pollutants into surface waters of the United States. The Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program now has federal regulatory authority over discharges of pollutants to Texas surface water. Cities were required to develop a stormwater plan that addresses the six minimum control measures identified by the TPDES. One of the tasks identified in the City's stormwater management plan (and mandated by the TCEQ) is that the City create and adopt an "Erosion and Sediment Control" Ordinance. The Planning and Zoning Commission unanimously recommended approval of Ordinance No. 3070.

**COUNCILMAN WELCH MOVED TO APPROVE PW 2009-037; ORDINANCE No. 3070. COUNCILMAN WHITSON SECONDED THE MOTION.**

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

## **GENERAL ITEMS**

### **F.1**

**GN 2009-065 APPROVAL OF NEW COMMITTEE MEMBERS TO THE YOUTH ADVISORY COMMITTEE**

**APPROVED**

Elizabeth Reining, Assistant to the City Manager, presented the item. The Youth Advisory Committee (YAC) currently has 4 vacancies due to members graduating last

spring. To partially fill those vacancies, the following new members are recommended for appointment:

Brandon Vinson - Richland High School-Grade 9  
James Dargan – Richland High School-Grade 11

These new appointments are in accordance with the YAC by-laws. Further appointments to fill YAC vacancies will be brought to City Council at a later date.

**COUNCILMAN LOMBARD MOVED TO APPROVE GN 2009-065; APPOINTMENT OF BRANDON VINSON AND JAMES DARGAN TO THE YOUTH ADVISORY COMMITTEE. COUNCILMAN BARTH SECONDED THE MOTION.**

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

**F.2**  
**GN 2009-066 FY 2010 TEEN SEAT BELT PROJECT/CLICK IT OR TICKET**  
**MOBILIZATION PROGRAM GRANT - RESOLUTION NO. 2009-030**  
**APPROVED**

Assistant Police Chief Andy Kancel presented the item. Item is to approve a resolution authorizing application for the Texas Department of Transportation's Teen Seat Belt Project/Click it or Ticket Mobilization Grant. The grant will reimburse law enforcement for overtime hours incurred while conducting occupant restraint use enforcement under the FY 2010 Texas Traffic Safety Program. The enforcement period of the grant is October 19, 2009 through June 6, 2010. Under the terms of the grant, the City agrees to fund overtime for additional enforcement targeting occupant restraint use during the enforcement periods. The Police Department will seek reimbursement at the conclusion of the grant period.

**MAYOR PRO TEM TURNAGE MOVED TO APPROVE RESOLUTION No. 2009-030. COUNCILMAN WHITSON SECONDED THE MOTION.**

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

*Mayor Pro Tem Turnage left the Council Meeting at 7:52 p.m.*

**F.3**  
**PU 2009-033 AWARD 09-042 BANK DEPOSITORY SERVICES CONTRACT TO JP**  
**MORGAN CHASE BANK**  
**APPROVED**

Mayor Trevino announced that Mayor Pro Tem Turnage would be abstaining from the this item. Mayor Pro Tem Turnage's spouse is employed by Frost Bank who has submitted a bid for contract.

*An affidavit of disqualification has been completed by Mayor Pro Tem Turnage and filed with the City Secretary stating the nature of the interest was spouse is an officer with Frost Bank.*

Larry Koonce, Finance Director summarized the item. The item is to consider the award of bank depository services contract. The City requested bids in accordance with city policy and qualifications were received from 5 firms. The City's proposal review committee and investment committee reviewed and evaluated the bids and is recommending award of the contract to JPMorgan Chase Bank.

**COUNCILMAN LEWIS MOVED TO APPROVE PU 2009-033. COUNCILMAN WELCH SECONDED THE MOTION.**

**MOTION TO APPROVE CARRIED 6-0; MAYOR PRO TEM TURNAGE ABSTAINING .**

*Mayor Pro Tem Turnage returned to the Council dais at 7:55 p.m.*

**F.4**  
**GN 2009-067 APPOINTMENT TO PLACE 3A ON THE ZONING BOARD OF  
ADJUSTMENT  
APPROVED**

Patricia Hutson, City Secretary presented the item. The Place 3 Alternate position on the Zoning Board of Adjustment is vacant. Councilman Lombard is recommending the appointment of Mr. Robert W. Housewright to the position. The term of office for Place 3A will expire June 30, 2011.

**COUNCILMAN LOMBARD MOVED TO APPROVE GN 2009-067; APPOINTMENT OF ROBERT HOUSEWRIGHT TO PLACE 3A ON THE ZONING BOARD OF ADJUSTMENT. COUNCILMAN SAPP SECONDED THE MOTION.**

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

**F.5**  
**GN 2009-068 AUTHORIZE PROPERTY TAX REFUND TO ALLEN SAMUELS DODGE  
HYUNDAI FOR OVERPAYMENT OF VEHICLE INVENTORY TAX  
APPROVED**

Karen Bostic, Assistant City Manager presented the item. Earlier this month the City of North Richland Hills received a request from Allen Samuels Dodge Hyundai to refund a portion of the property taxes they paid toward their motor vehicle inventory tax. The dealership makes monthly payments into an escrow account for the value of the vehicles they have in inventory. While processing their December 2008 payment of \$11,461.31 the person making out the payment request inserted a 7 between the 4 and the 6 resulting in a check being cut for \$114,761.31. This was a \$103,300 overpayment of their taxes for the month. This went unnoticed by the dealership until a routine audit was done this summer. Staff is recommending a tax refund of \$22,561.01 to be paid to Allen Samuels Dodge Hyundai.

**COUNCILMAN WHITSON MOVED TO APPROVE GN 2009-068. COUNCILMAN LEWIS SECONDED THE MOTION.**

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

## **EXECUTIVE SESSION ITEMS**

### **G.1**

No items for this category.

## **INFORMATION AND REPORTS**

### **H.1**

#### **ANNOUNCEMENTS**

Councilman Barth made the following announcements.

Keep NRH Beautiful is seeking volunteers for its annual Trash Bash litter cleanup event. This year's Trash Bash will be held on Saturday, October 3rd. Neighborhood associations, businesses, church groups and student groups are encouraged to participate. To volunteer or get more information, please call 817-427-6651.

The North Richland Hills Public Library will hold its annual book sale from 9:00 a.m. to 4:00 p.m. on Saturday, October 3rd. Many of the books being sold are donations that the library was unable to use in its collection. Other items were removed from the collection throughout the year. All proceeds from the sale will go towards the purchase of new books. The Library is located at 9015 Grand Ave. For more information, please call 817-427-6814.

Join the North Richland Hills Police Department is celebrating the 26th Annual National Night Out on the evening of October 6th. Residents are encouraged to turn on their

porch lights and gather with their neighbors to show unity against criminal activity. Please contact the Police Department at 817-427-7021 to register your neighborhood event.

Kudos Korner - Terry Wreay, Public Works Street Supervisor. A letter was received from a resident expressing gratitude and praise for Terry's excellent work and professionalism. A project to fix a deteriorating gutter had left damage to the resident's front yard and created a dangerous situation for children. Terry realized the potential hazard and exposure to the city and made sure the issue was resolved and repaired immediately.

## **H.2 ADJOURNMENT**

Mayor Trevino adjourned the meeting at 8:03 p.m.

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Oscar Trevino – Mayor

### **ATTEST:**

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Patricia Hutson, City Secretary