

**MINUTES OF THE PRE-COUNCIL AND REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF NORTH RICHLAND HILLS,
TEXAS, HELD IN THE CITY HALL, 7301 NORTHEAST
LOOP 820 – AUGUST 09, 2004**

PRE-COUNCIL SESSION

The City Council of the City of North Richland Hills, Texas met in Pre-Council session on the 9th day of August, 2004 at 6:00 p.m. in the Pre-Council Room prior to the 7:00 regular Council meeting.

Present:	Oscar Trevino	Mayor
	David Whitson	Mayor Pro Tem
	John Lewis	Councilman
	Jo Cox	Councilwoman
	Frank Metts, Jr.	Councilman
	JoAnn Johnson	Councilwoman
	Nancy Bielik	Councilwoman
	Timothy J. Welch	Councilman
Staff Members:	Larry J. Cunningham	City Manager
	Richard Torres	Assistant City Manager
	Ogden Bo Bass	Assistant City Manager
	Karen Bostic	Managing Director Administrative/Fiscal Services
	Paulette Hartman	Assistant to City Manager
	Patricia Hutson	City Secretary
	Alicia Richardson	Assistant City Secretary
	George Staples	City Attorney
	Larry Koonce	Finance Director
	Mike Curtis	Public Works Director
	Clay Caruthers	Budget Manager
	Dave Green	Director of Planning
	Vickie Loftice	Assistant Parks & Recreation Director
	Bill Thornton	Assistant Parks & Recreation Director

Call to Order

Mayor Trevino called the Pre-Council meeting to order at 6:00 p.m.

1. Discuss items from Regular August 09, 2004 City Council Meeting

None.

2. IR 2004-080 Review Development Plan Adjacent to Tommy & Sue Brown Park
<Agenda Item No. 11>

Assistant Parks Director Bill Thornton advised council change order number 2 is a result of a revision to the approved development plan for Tommy and Sue Brown Park. The revision involves a 1.5 acre tract located at the southwest corner. The tract of land was formerly reserved for Fire Station 1, which has been relocated. The southern portion of the park if approved will be redesigned to incorporate park amenities. Mr. Thornton advised council staff anticipates a November 8, 2004 completion date, which includes a 30-day extension requested by contractor. The original construction, which includes both Tommy and Sue Brown Park and Liberty Park, is \$895,500. A previous change order (#1) in the amount of \$151,132 for a list of alternates was approved by council. Change order #2 in the amount of \$70,854 will bring revised construction cost to \$1,117,486.00.

Councilman Lewis asked if the fresbie golf disc catcher helped the city qualify for the grant and if so, would it prelude the city from considering it part of a dog park.

Mr. Thornton advised grant guidelines stipulate that any amenities included must stay at the park. If amenities were ever to be removed they must be replaced with other amenities.

Councilwoman Bielik asked where public parking was available for the park.

Mr. Thornton advised there would be on street parking.

3. IR 2004-081 Update of Trail System

Mr. Thornton presented council with a powerpoint presentation which reviewed the implementation of North Richland Hills trail system. Mr. Thornton also discussed the progress and schedules for the various projects that encompass the North Richland Hills trail system master plan. Mr. Thornton gave council a status report of the following projects: Cottonbelt Trail, Route Signs Phase I, Walker's Creek Trail, South Electric Trail, Little Bear Creek Trail, Calloway Branch Trail, North Hills Mall Trail and North Electric Trail.

4. IR 2004-082 Status of Storm Water Management Plan

Public Works Director Mike Curtis advised council 1987 amendments to the Clean Water Act mandated the Environmental Protection Agency (EPA) develop a tiered implementation strategy for the NPDES Storm Water Permit/Program. The first phase was implemented several years ago and impacted cities with populations greater than 100,000. The second phase of the tiered approach, Storm Water Permit Phase II, was published in the Federal Register on December 8, 1999. Phase II requires all cities with a population under 100,000 to obtain a NPDES permit for storm water discharge for: construction activity disturbing one acre or more of land (i.e., small construction

activities and municipal storm sewer systems. The permit for construction activities went into effect March 2003 and the permit is submitted to State by the developer. The City's engineering consultant (or contractor) submits permit to the State for CIP projects. The permit for the municipal storm sewer system requires the City establish a Storm Water Management Program that meets the requirements of six (6) control measures and they are: public education, public involvement and participation, elicit discharge detection and elimination, construction site controls, post construction controls and pollution prevention. All cities that fall under Phase II requirements will have 90 days from the time the State finalizes the requirements to submit their permit along with their Storm Water Management Program to the State. Staff does not expect the permit revision to have a significant on the City's draft Storm Water Management Policy previously submitted for council's consideration.

Adjournment

Mayor Trevino announced at 6:45 p.m. that the Council would adjourn to the regular Council meeting.

REGULAR COUNCIL MEETING

1. CALL TO ORDER

Mayor Trevino called the meeting to order August 09, 2004 at 7:00 p.m.

ROLL CALL

Present:	Oscar Trevino	Mayor
	David Whitson	Mayor Pro Tem
	John Lewis	Councilman
	Jo Cox	Councilwoman
	Frank Metts, Jr.	Councilman
	JoAnn Johnson	Councilwoman
	Nancy Bielik	Councilwoman
	Timothy J. Welch	Councilman
	Staff:	
	Larry J. Cunningham	City Manager
	Bo Bass	Assistant City Manager
	Patricia Hutson	City Secretary
	Alicia Richardson	Assistant City Secretary
	George Staples	Attorney

**2.
INVOCATION**

Councilman Metts gave the invocation.

**3.
PLEDGE OF ALLEGIANCE**

Councilman Metts led the pledge of allegiance.

**4.
SPECIAL PRESENTATIONS**

None.

**5.
CITIZENS PRESENTATION**

Ms. Suzette Christopher, 4800 Holiday Lane, spoke about her concerns with the upcoming special election. Ms. Christopher believed the ballot for the special election was incorrectly worded, had confusing language and did not meet Charter requirements.

Mr. Lawrence Martin, 7004 Lincolnshire Lane, asked if the residential speed limit could be reduced from 30 miles per hour to protect children in residential areas. Mr. Martin also suggested signage be placed in his neighborhood that reads Children at Play if the posted speed limit can not be reduced.

Mr. Marlin Miller, 5109 Susan Lee Lane, expressed his dislike for the recent negative articles that have been published in the paper.

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

Mayor Pro Tem Whitson removed 7c from the consent agenda.

7.
APPROVAL OF CONSENT AGENDA ITEMS
APPROVED

A. MINUTES OF THE JULY 26, 2004 COUNCIL MEETING

B. GN 2004-066 APPROVE ANNUAL INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR NORTH TARRANT PARKWAY – RESOLUTION NO. 2004-048

C. REMOVED

MAYOR PRO TEM WHITSON MOVED TO APPROVE CONSENT AGENDA FOR ITEMS 7A AND 7B. COUNCILMAN LEWIS SECONDED THE MOTION.

Motion to approve carried 7-0.

7C.
GN 2004-069 SETTING DATE FOR PUBLIC HEARINGS FOR 2004-05 CITY BUDGET, PARKS AND RECREATION FACILITIES DEVELOPMENT CORPORATION AND CRIME CONTROL DISTRICT BUDGETS
APPROVED

MAYOR PRO TEM WHITSON MADE MOTION TO SET ONE DATE FOR THE PUBLIC HEARINGS ON THE CITY BUDGET AND THE SECOND DATE ON THE NEXT COUNCIL MEETING FOR THE VOTE. COUNCILWOMAN JOHNSON SECONDED THE MOTION.

Mayor Trevino clarified that Mayor Pro Tem Whitson was referring to having the public hearings for the Parks and Recreation Facilities Development budget at 6:15 p.m. and the Crime Control Prevention District at 6:30 p.m. and 7:00 p.m. for the City Budget and then have council consideration of the budgets at the first meeting in September. Councilwoman Bielik said she would like to be sure that a copy of the budget be made available to the public at the library.

Mayor Trevino advised Councilwoman Bielik a copy has been provided to the library.

Motion to approve carried 7-0.

8.

**ZC 2004-01 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM J&J NRH FAMILY PARTNERSHIP FOR A ZONING CHANGE FROM "AG" AGRICULTURAL DISTRICT TO "R2" RESIDENTIAL DISTRICT (LOCATED NORTH OF THE 7900 BLOCK OF GREEN VALLEY DRIVE - 1.348 ACRES) - ORDINANCE NO. 2795
APPROVED**

Mayor Trevino opened the public hearing.

Mr. Owen Douglas Long, 1615 Precinct Line Road, Hurst, representing applicant was available to answer questions from council.

Director of Planning Dave Green presented an exhibit of the Forest Glen West subdivision. The subdivision was approved as a final plat by City Council in July 2003. The purpose of the rezoning is to add a small tract of land to the adjacent Block 1 of Forest Glen West Phase I Subdivision. Mr. Green advised there will be a redesign of the subdivision including a street extension and cul-de-sac. The Planning and Zoning Commission and staff recommend approval of request.

Mayor Trevino asked if there was anyone wishing to comment on this request. There being no one wishing to speak Mayor Trevino closed the public hearing.

COUNCILMAN METTS MOVED TO APPROVE ORDINANCE No. 2795 AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION. COUNCILMAN WELCH SECONDED THE MOTION.

Motion to approve carried 7-0.

9.

**ZC 2004-03 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM DAN QUINTO ON BEHALF OF ARCADIA LAND PARTNERS 26 LTD. FOR A ZONING CHANGE FROM "C-1" COMMERCIAL DISTRICT AND "I-1" LIGHT INDUSTRIAL DISTRICT TO "CS" COMMUNITY SERVICE DISTRICT (LOCATED IN THE 8400 BLOCK OF MID-CITIES BOULEVARD - 10.733 ACRES) - ORDINANCE NO. 2796
APPROVED**

Mayor Trevino opened the public hearing.

Mr. Dan Quinto, 602 Northwood Trail, Southlake, summarized item for council. Mr. Quinto advised Arcadia had a couple of customers (hair salon and funeral parlor) for the tract. Mr. Quinto advised Arcadia's idea to accommodate these establishments and others like them were to subdivide the tract into individual commercial lots.

Mr. Green advised council this request is a ten-acre plat and staff has preliminary plat that was approved by the Planning and Zoning Commission. Mr. Green advised the CS Community Service District is designed to be a basic office/retail type use that is primarily for the service of entire community. The Planning and Zoning Commission reviewed request and voted unanimously to recommend approval and staff supports request as well.

Mayor Pro Tem Whitson asked if the applicant or owner would be required to put up a fence between residential sections and this piece of property.

Mr. Green advised a screening wall is required when there are certain facilities in place across the street from residential like a dumpster pad site or loading dock. Mr. Green advised as a general rule of thumb a screening wall is not required. Mr. Green pointed out there is public right of way along property so there will be a 15 foot landscape setback with the traditional street trees every 50 feet in addition to the screening shrubs.

Mayor Trevino asked if there was anyone wishing to comment on this request. There being no one wishing to speak Mayor Trevino closed the public hearing.

COUNCILWOMAN JOHNSON MOVED TO APPROVE ORDINANCE No. 2796. COUNCILMAN METTS SECONDED THE MOTION.

Motion to approve carried 7-0.

10.

**GN 2004-044 CONTINUATION OF PUBLIC HEARING REGARDING CHARTER
COMMUNICATION CABLE FRANCHISE RENEWAL
CONTINUED**

Mayor Trevino advised item was a continuation of a public hearing and reopened public hearing for citizen comments.

Assistant to City Manager Paulette Hartman advised staff has entered into the formal franchise renewal process with Charter Communications. The franchise does not expire until January 2007, but it is typical to begin process 36 months ahead of time. The city is in the first stage of the process which is public proceedings and involves taking public comments regarding Charter Communications and their service. Staff has set up several public comments at several council meetings. The first was held in June, the one tonight and also the first meetings in October and December. Staff is also taking public comments via the City's website. To date staff has received five comments through the website. Citizens may also send written comments to Paulette Hartman in the City Manager's Office.

Councilwoman Bielik asked if citizens who called in complaints were contacted and advised of the public hearings.

Ms. Hartman advised council staff has record of complaints and could contact citizens to advise them of the public hearings.

Mayor Trevino asked for those wishing to comment to come forward.

Mr. Marlin Miller, 5109 Susan Lee Lane, asked who was responsible for reviewing the contract with Charter Communications.

City Manager Larry Cunningham advised Paulette Hartman along with Larry Koonce and other finance personnel would be reviewing the contract, but that Ms. Hartman would be the primary person who works with Charter Communications.

MAYOR PRO TEM WHITSON MOVED TO CONTINUE PUBLIC HEARING REGARDING CHARTER COMMUNICATION CABLE FRANCHISE TO A FUTURE COUNCIL MEETING. COUNCILWOMAN BIELIK SECONDED THE MOTION.

Motion to approve carried 7-0.

11.

**GN 2004-067 APPROVE CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH DEAN CONSTRUCTION IN THE AMOUNT OF \$70,854 FOR THE TOMMY AND SUE BROWN PARK PROJECT, AMEND THE CIP BUDGET – RESOLUTION NO. 2004-049
APPROVED**

Assistant Park and Recreation Director Bill Thornton advised the Tommy and Sue Brown Park is being constructed as part of the Neighborhood Park Initiative. Originally there was a 1.5 acre tract of land located in the southwest corner of the park which was reserved for the construction of a fire station. The fire station was relocated and the section of the park was redesigned to incorporate the parcel into the park. Staff is recommending council approve change order #2 in the amount of \$70,854. The original construction agreement in the amount of \$895,000 was approved by council on January 26, 2004, which included construction of both Tommy & Sue Brown Park and Liberty Park. If the change order is approved the contractor has requested a 30-day extension to contract to complete additional work. Mr. Thornton advised funding is available from the Parks and Recreation Facilities Development fund to completely fund Change Order #2.

Councilwoman Bielik said item was not in the current or proposed budget. Councilwoman Bielik believed this will put an additional expense in the current fiscal year's budget and did not recall seeing the available funds.

Mr. Thornton advised there is available money in the undesignated funds in the Parks and Facilities Development Corporation budget from the ½ cent sales tax budget.

Councilwoman Cox addressed the parking for the neighborhood park. Councilwoman Cox is aware of the difference between community parks and neighborhood parks, but does not necessarily agree with the concept of the neighborhood park. Councilwoman Cox said neighborhood parks are not easily accessed by the public. Councilwoman Cox wanted council and Parks and Recreation to know that she does not agree with the concept of neighborhood parks and does not necessarily agree with the change order. Councilwoman Cox asked if it was totally impossible to have parking at neighborhood parks.

Mr. Thornton advised the Park System Master Plan designates different parks and classifications by their use. The neighborhood park designation is designed for those parks that are intentionally designed to be more central to and serve a neighborhood that is a walk to destination. However, that does not prevent people from traveling to use facilities. Currently the city has 26-29 different neighborhood park zones throughout the city. The Park System Master Plan geographically shows distribution of neighborhood parks throughout the city. Under full development the city will be providing neighborhood parks that would be in close proximity in all residential communities.

Mayor Trevino asked Mr. Thornton to address the trail system that ties into the neighborhood parks.

Mr. Thornton advised the trail connection at Tommy and Sue Brown Park leads immediately to the Little Bear Creek trail. The Little Bear Creek trail is among a complete network of off-road bike trails throughout the city that all link together to provide a complete network of trails so users can access other parks and facilities throughout the city.

Mayor Trevino asked Mr. Thornton to address how the park is being funded.

Mr. Thornton advised staff worked with the developer for the donation of the land within the Little Bear Creek area. The city used the value of the land and submitted a grant application to the Texas Parks and Wildlife Department (TPWD) to be able to design and construct the park using the value of the land as the City's matching share. The program is a 50/50 matching program. If the city can come up with value of land the TPWD will match that amount in improvements and provide that as a reimbursement grant to the city. Staff submitted the grant application and was successful in being

awarded the grant. The city is constructing the park at a very nominal expense to the citizens of North Richland Hills. The city was awarded a \$363,000 grant for the project.

Councilman Welch asked if there is a way to amend the city's grant from the State.

Mr. Thornton advised the grant could be amended as long as the amenities do not change and are not being taken out of the project.

Mayor Trevino asked Budget Manager Clay Caruthers to review funding for the project.

Mr. Caruthers advised the Tommy and Sue Brown Park was included in the budget information received by council. Mr. Caruthers advised the project was either shown as a continuing project or an active project staff anticipated being complete by 2004. Staff briefly touched on it when the fire station project was discussed. Mr. Caruthers advised any council action revisions that take place between the work session and the adoption of the budget will be reflected in the budget as it is proposed the night for approval. Mr. Caruthers advised no other changes would be made, unless something is brought forward on the Capital Budget between the work session and the official adoption. Mr. Caruthers advised staff tries to communicate everything that is anticipated at the work session.

Councilwoman Bielik stated that the project itself was in the paperwork for the work session, but did not recall seeing the change order amount.

Mr. Caruthers advised the dollar amount for the change order was not included, but that is why it is necessary for this official action to be taken tonight so council is aware of the change order.

Councilwoman Bielik asked if it was a rush that it has to be put in the 2003/2004 fiscal budget as opposed to carrying it over to the 2004/2005 budget.

Mr. Thornton advised contractor has made considerable progress and is at a point to continue or stop construction. Staff would like contractor to begin construction with Change Order #2 so project would not have to be put on hold.

**COUNCILMAN LEWIS MOVED TO APPROVE GN 2004-067 AND RESOLUTION No. 2004-049.
COUNCILMAN METTS SECONDED THE MOTION.**

Motion to approve carried 5-2 with Councilmen Lewis, Metts, Welch, Mayor Pro Tem Whitson and Councilwoman Johnson voting for and Councilwomen Cox and Bielik voting against.

12.
**GN 2004-068 APPOINTMENT TO ZONING BOARD OF ADJUSTMENT AND PARK
AND RECREATION BOARD - PLACE 7**
APPROVED

Councilman Welch advised council he was nominating Chris Putnam to the Park and Recreation Board and Jerry Henry to the Board of Adjustment.

COUNCILMAN WELCH MOVED TO APPOINT CHRIS PUTNAM AND JERRY HENRY.
COUNCILWOMAN JOHNSON SECONDED THE MOTION.

Motion to approve carried 7-0.

13.
INFORMATION AND REPORTS

Councilman Welch made the following announcements.

Join WFAA Channel 8 and Quad Cities DFW for a Family First Event Saturday August 21st at the Watauga Community Center, 7901 Indian Springs Road! The event starts at 9:00 AM and goes until 2:00 PM. Festivities will include a chili cook off to be judged by the Mayors of NRH, Watauga, Richland Hills, and Haltom City, displays by area Police and Fire Departments and several school and community organizations. Hope to see you at this fun, festive and informative event.

Don't forget to register for Fall Recreation Center programs. Information about programs being offered is available in the Summer and Fall 2004 "Time of Your Life" recreation brochure, or on the City's web site at www.nrhtx.com/pdf/sum-fall2004.pdf. Contact the NRH Recreation Center at 817-427-6600 for more information.

August 14th

Critter Connection

North Hills Mall

10:00 a.m. – 6:00 p.m.

Kudos Korner

Every Council Meeting, we spotlight our employees for the great things they do.

DARE Officer Debra Taylor, Police Department – A thank you note was received from the NRH Senior Friends for Taylor's presentation and brochures. The seniors are more

aware of the latest things to watch for regarding identity theft. Taylor was invited to return again next year.

**14.
ADJOURNMENT**

Mayor Trevino adjourned the meeting at 7:52 p.m.

Oscar Trevino - Mayor

ATTEST:

Patricia Hutson - City Secretary