

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.