

MINUTES
HALTOM CITY COUNCIL MEETING
CITY HALL, 5024 BROADWAY AVENUE
January 26, 2015

A Regular Meeting was held by the City Council of the City of Haltom City, Texas, on January 26, 2015, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present, to-wit:

Mayor Richard Hutchison	Mayor Pro Tem Bob Watkins
Council Place 1 Marian Hilliard	Council Place 2 Jeff Western
Council Place 3 David Averitt	Council Place 4 Trae Fowler
Council Member 6 Stephanie Davenport	Council Place 7 Dr. An Truong

Staff Present: Tom Muir, City Manager; Chuck Barnett, Assistant City Manager; Wayne Olson, City Attorney; Art Camacho, City Secretary; Justin French, Planning and Community Development Director; Keith Lane, Police Chief; Tim Cool, IT Director; Jennifer Fung, Finance Director, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER

Mayor Hutchison called the Worksession to order at 6:00 p.m. City Manager Tom Muir introduced Jennifer Fung, the new Finance Director, to the Council and citizens. A discussion was held regarding an interlocal agreement with the Haltom City Police Department and area cities regarding the new hardware/software program acquisition that will be used in a shared service. Police Chief Keith Lane and IT Director Tim Cool both presented information regarding the cost and program operations, and it is scheduled for consideration at the next Council meeting. Mayor Pro Tem Bob Watkins requested the Council consider the EDC member composition to allow for more interaction and input from the Council and a discussion regarding a quorum standard and meeting absences was held. The Regular Agenda was discussed and no changes were made. A discussion was held during the Capital Improvements Report concerning Tiseo Paving receiving a project bonus. No Executive Session was held and Mayor Hutchison adjourned the Worksession at 6:53 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Hutchison called the meeting to order at 7:03 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Council Member Dr. An Truong gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS AND EVENTS

Assistant City Manager Chuck Barnett announced the following:

Library

Video Contest – Enrolled BISD students will be participating and the theme is “Every Hero Has a Story” and the deadline is February 13, 2015.

Movie Night – “Sleeping Beauty” will be showing on Monday, February 9, 2015.

Park and Recreation

Buffalo Stampede – The 29th annual Haltom City Stampede will be held on Saturday, February 14, 2015. The packets can be picked up Thursday, February 12 and Friday, February 13 from 10:00 a.m. to 6:00 p.m. at the Haltom Recreation Center. The Fun Run will start at 8:30 a.m. and the 5k at 9:00 a.m. and participants can register online at

www.haltomcitytx.com or mail the registration to the Haltom Recreation Center. Trophies will go to the first, second and third place winners in 14 different age groups. Proceeds go to benefit the BISD Back to School Health Fair, which provides school supplies, backpacks, and free health screening to students in Haltom City.

Art In The City

Evening of Swing – Art in the City will host an "Evening of Swing" on Sunday, February 16 at Don Cruz Restaurant located at 3155 Denton Highway in the Haltom Plaza Shopping Center. Music will be provided by the Jazz Monsters Big Band, performing music of the 30's and 40's. The event will be from 6:00 – 8:00 p.m.

The *Crossroads* newsletter, a quarterly city publication, is available to the public and is full of city information and news stories.

PRESENTATION

City Employee Long-term Service Awards – City Manager Tom Muir presented a 20 year service award to Police Sergeant Shawn Holt. Police Sergeant James Haley was not present to receive his 20 year service award.

REPORTS

1. **2014 Crime Statistics (4th Quarter)** – Presentation of Haltom City Police Department crime statistics for the fourth quarter of 2014. Police Chief Keith Lane first introduced a new command staff officer – Sergeant Cody Phillips. He then presented a report that included increases in service calls and arrests, with decreases in robbery, assault, burglary, theft, and vehicle theft. The Council commented on citizens participating in the public riding with police officers and the department's effort on crime prevention and public safety.
2. **Capital Improvements Report** – Presentation of quarterly status report of all major capital improvement projects. PW Director Greg Van Nieuwenhuize presented the report that included road reconstruction projects, sewer replacements, Safe Route programs, on-hold projects, and water and sanitary sewer improvements.

REGULAR AGENDA

3. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of January 12, 2015. Mayor Pro Tem Bob Watkins moved, seconded by Council Member Stephanie Davenport, to approve the Minutes of January 12, 2015. ***The vote was unanimous. Motion carried.***
4. **Development Agreement** – Consideration and/or action on the approval of a development agreement with Mercantile Partners. Assistant City Manager Chuck Barnett presented the agreement and gave a review of the 380 project reconstruction on Clay Avenue. Council Member Trae Fowler moved, seconded by Council Member Jeff Western, to approve the development agreement with Mercantile Partners. ***The vote was unanimous. Motion carried.***
5. **Preliminary Plat (P019-14)** – Consideration and/or action on the application of John Andersen with Goodwin and Marshall, Inc., on behalf of ABRES III, Ltd, for a Preliminary Plat of the High Pointe Addition, being Tracts 1A1 & 1A9 of the J. Robinson Survey, Abstract 1346, a former Big Fossil Avenue right-of-way, Lots B and C, Block 3 and Lot 1R2, Block 4 of the Fossil Ridge Subdivision, located in the "PD" Planned Development for "SF-2" Single Family Residential uses, containing approximately 62.947 acres of land, locally known as 4805 Northeast

Loop 820 Highway and unaddressed property. Planning and Community Development Director Justin French presented the plat and a discussion was held regarding the adequate width of the streets in the subdivision. Council Member Marian Hilliard moved, seconded by Council Member Jeff Western, to approve Preliminary Plat (P019-14). **The vote was unanimous. Motion carried.**

6. **Ordinance No. O-2014-036-15 (Z-007-14) — McCullar Office Warehouse –** Conduct a public hearing and consideration and/or action on the application of Rod Ekern, on behalf of Kevin Khorrami, for approval of a Zoning Change request from “C-1” Commercial to “M-1” Industrial located on Tracts 12C2 and 12C1 of the George Akers Survey, Abstract 30, being 1.54 acres of land located north of McCullar Road and east of Carson Street, locally known as 6017 and 6019 McCullar Road and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.— **1st Reading.** Planning and Community Development Director Justin French presented the ordinance and a discussion on M-1 businesses was held, along with the voting outcome of the P & Z decision. Mayor Hutchison opened the Public Hearing at 8:17 p.m. and the following citizens came forward:
1. David Chisum – Stated numerous clients operate out of an M-1 zoning.
 2. Ray Ecklund – Stated he was against the M-1 zoning and wanted to keep it commercial and the road needs immediate repair. He also stated a new car repair business in the same zoned area now has junk vehicles on their lot.
 3. Roberto Irabagon – Stated the industrial change could pose a safety issue with the children at a nearby school.
 4. Roy Sullins – Stated he was glad the land was situated for business and doesn't expect traffic congestion because of the business type and that the area should be better with a C-3 zoning.
 5. Sara Kingsley – Stated she approved the change and believes the business will help in road and drainage reconstruction on McCullar Road and the traffic will not be a problem.

Mayor Hutchison closed the Public Hearing at 8:43 P.M. A discussion was held regarding whether the applicant had filed a CUP or planned development request and whether a visual aid could be produced for a presentation. Council Member Marian Hilliard moved, seconded by Council Member Stephanie Davenport, to deny an M-1 zoning (Z-007-14) – 1st reading. **Mayor Pro Tem Bob Watkins and Council Members Marian Hilliard, Jeff Western, Stephanie Davenport, and Dr. An Truong voted aye. Council Members David Averitt and Trae Fowler voted nay. Motion carried – ordinance was denied.**

Mayor Hutchison called for a break at 8:55 p.m. and the Council recessed and then returned to Regular Session at 9:05 p.m.

The Council returned back to Agenda Item #6 and Mayor Hutchison stated that the applicants received an approval from the P & Z for a zoning change on this property from a C-1 Commercial to a C-3 Commercial and that the applicants are requesting this same approval from the Council. City Attorney Wayne Olson advised the Council that the voting would need a $\frac{3}{4}$ (super-majority) Council vote for approval. Mr. French informed the Council of the 20% objection from the nearby property owners. Council Member Jeff Western moved, seconded by Council Member Trae Fowler, to approve C-3 zoning change for (Z-007-14) – 1st reading. **The vote was unanimous. Motion carried.**

7. **Ordinance No. O-2015-01-15 (Z-010-14) - Tyss Office Building** - Conduct a public hearing and consideration and/or action on the application of James Pliska, on behalf of TYSS Investments LP, for approval of a Zoning Change request from "D" Duplex to "PD" Planned Development for all "C-3" uses plus office warehouse uses located on the northern half of Lot 1, Block 1 and all of Lot 18, Block 1, of the Parkdale Gardens Addition, being 0.746 acres of land located south of Wall Avenue and east of Carson Street, locally known as 2508 Carson Street, 6004 Wall Avenue, and 2433 Moneda Avenue; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan – **1st Reading**. Justin French, Planning and Community Development Director, presented the ordinance and a discussion was held regarding the length of setback area and the projected fence height. Mayor Hutchison opened the Public Hearing at 9:28 p.m. and citizen Ray Ecklund came forward to state that he preferred a quality building with masonry and sidewalks, and not just metal. No other citizen came forward. David Chisum stated the building with have hardy planking up to at least 4' toward the side of the building facing Wall and Moneda Street. Mayor Hutchison closed the Public Hearing at 9:38 p.m. Council Member Trae Fowler moved, seconded by Mayor Pro Tem Bob Watkins, to approve Ordinance No. O-2015-01-15 (Z-010-14) for the Tyss office building, with 4' masonry wainscoting facing Wall and Moneda Street – **1st reading. The vote was unanimous. Motion carried.**
8. **General and Joint Election** – Consideration and/or action regarding approval of Resolution No. R-2015-001-01 calling for a General Election and authorizing a Joint Election with Tarrant County on May 9, 2015. City Secretary Art Camacho presented the resolution and a discussion was held regarding the cost of using the J. D. Spicer Elementary for a second polling place and the amendment timeline. Council Member Marian Hilliard moved, seconded by Dr. An Truong, to approve Resolution No. R-2015-001-01 – calling for a General Election and Joint Election on May 9, 2015. **The vote was unanimous. Motion carried.**

VISITORS/CITIZENS FORUM

The following citizens came forward:

1. Jesse Silva, Jr. – Commented on the Capital Improvements Project status of Montreal Circle and its need for street repair and flooding control.
2. Pattie Fisher – Stated she would like to see the small city park remain at Springlake.

BOARDS/COMMISSIONS

9. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. Mayor Hutchison submitted the resignation of Gary Nunn from the Haltom City Economic Development Committee. **The vote was unanimous. Motion approved.**
10. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions. Mayor Pro Tem Bob Watkins nominated Bob Ryan for a position on the EDC Board. **The vote was unanimous. Motion carried.**

EXCUSED ABSENCE OF COUNCIL MEMBERS

11. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). There were no absences.

EXECUTIVE SESSION

The Council went into Executive Session at 9:57 p.m. regarding the following:

Section 551.071

As authorized by Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on: open meetings, open records, contracts, expenditures and oversight of the Haltom City Economic Development Corporation, litigation, and settlement offers and/or claims for the following cases:

- Donald Anthony Hains v. City of Haltom City
- Phillip Payne v. City of Haltom City
- Burkett v. City of Haltom City, et al.
- Flynn v. Haltom City EDC

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property owned or leased by the City and the Economic Development Corporation.

Section 551.087 – Deliberations about Economic Development Incentives

Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect.

RECONVENE TO REGULAR SESSION

12. Take any action deemed necessary as a result of the Executive Session.
The Council returned from Executive Session at 11:02 and no action was taken.

ADJOURNMENT

Mayor Hutchison adjourned the meeting on January 26, 2015 at 11:02 p.m.

RESPECTFULLY SUBMITTED BY:

Art Camacho
Art Camacho, City Secretary

APPROVED BY:

Richard Hutchison
Richard Hutchison, Mayor

