

**MINUTES  
HALTOM CITY COUNCIL MEETING  
CITY HALL, 5024 BROADWAY AVENUE  
April 13, 2015**

A Regular Meeting was held by the City Council of the City of Haltom City, Texas, on April 13, 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; Susan White, Business Development Coordinator, Justin French, Planning and Community Development Director, Betty Kurecka, Purchasing Agent, Toni Beckett, Human Resources and Risk Management 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 reviewed the results of the meeting of the residents of the Diamond Oaks area and the Wisdom Center, which included a request to tighten ordinance regulations. City Attorney Wayne Olson informed the Council and citizens about local regulation limitations and a lengthy discussion was held regarding federal laws, specifically the Fair Housing Act, and its impact on local government regulation. Mayor Hutchison allowed citizens to respond and the following individuals came forward:

1. Bob Hatley, 5953 Diamond Oaks – Stated he was upset at the behavior of the citizens at the last meeting with the Wisdom Center and that the city does need tighter regulations for residential housing.
2. George Ott, 5620 Jane Anne – Stated he was supportive of ordinances requiring tighter restrictions.
3. Jack Lewis, 4600 Sabelle - Requested a resolution regarding Mr. Murdoch's departure and asked citizens to contact area state legislative representatives to approve HB 452.
4. Don Lemaster, 3509 Beverly Drive – Questioned the regulations regarding sex offenders and animal ownership limitations.

The Consent Agenda was reviewed and Consent Agenda Items 2, 3, and 4 were placed on the Regular Agenda. The Regular Agenda was briefly discussed and the starting time for the Regular Meeting was moved to 7:30 p.m. There was no Executive Session. The Worksession ended at 7:17 p.m.

**REGULAR MEETING**

**CALL TO ORDER**

Mayor Hutchison called the meeting to order at 7:31 p.m.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Hutchison 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

*Annual Book Sale* – The annual book sale will be held April 23-26 and additional information will be available on the city website.

*Writing Contest* – A writing contest will be held for individuals from the 5<sup>th</sup> grade to adult. It will include poetry and short stories, with the deadline of Saturday, May 30<sup>th</sup>. The city website has all of the rules at [www.haltomcitytx.com](http://www.haltomcitytx.com).

## Senior Citizen Center

*Baked Potato and Salad Supper* – The Haltom Senior Center will host their annual Baked Potato and Salad Supper on Thursday, April 16, 2015 starting at 5:00 p.m. and it will include a silent auction and home baked items for sale. Tickets are \$5 each and meals can be purchased to-go.

## Special Community Events

*Spring Dumpster Day* – This annual event will be held at the Progressive Transfer Station on Minnis Drive on Saturday, April 18<sup>th</sup> from 8:00 a.m. to 12:00 noon. Bulky items for disposal include construction material and unbundled brush. Also included are unlimited amounts of metal and electronics for recycling, and four (4) tires per household. Proof of residency is require via driver's license or water bill and pickup loads are limited to one load per household and must be tarped.

*Craft Fair* – The Haltom City Masonic Lodge will be hosting its annual spring Craft Fair on Saturday, May 2<sup>nd</sup>. The address is 4403 Broadway and this year's event will include a garage sale on the front lawn.

*City General and Special Election* - Haltom City will be holding a General Election to elect the Mayor and Council Places 1, 2, and 7, and a Special Election for Council Place 3. Current Mayor Richard Hutchison and Council Member Place 3 David Averitt are running for the Mayor's position. Dr. An Truong is uncontested for Council Member Place 7. In the race for Council Member Place 1, the candidates are incumbent Marian Hilliard and Jeannine Nunn; Council Member Place 2 candidates are Jeff Rhoads and Walter Grow. In the Special Election for Council Place 3, the candidates are Scott Garrett and Willis O'Dell. Citizens will also be voting on the continuance of the Crime Control and Prevention District (CCPD) ¼ cent sales tax. The single polling place listed below will be open from 7:00 a.m. to 7:00 p.m. on Saturday, May 9, 2015.

### **Location of Polling Place and Precincts on May 9, 2015:**

Polling Place #1:	Haltom City Northeast Center	1199, 1622, 4042, 4102, 4141,
	3201 Friendly Lane	4159, 4191, 4218, 4239, 4290
	Haltom City, Texas, 76117	4328, 4362, 4399, 4410, 4483
		4485, 4533, 4602, 4620

### **EARLY VOTING BY PERSONAL APPEARANCE DAYS AND HOURS**

April 27 – May 1	Monday - Friday	8:00 a.m. – 5:00 p.m.
May 2	Saturday	7:00 a.m. – 7:00 p.m.
May 3	Sunday	11:00 a.m. – 4:00 p.m.
May 4-5	Monday -Tuesday	7:00 a.m. – 7:00 p.m.

Haltom City Northeast Center, 3201 Friendly Lane, Haltom City, Texas 76117

Other Early Voting stations can be found on the following link to Tarrant County Elections: <http://www.tarrantcounty.com/evote/site/default.asp>

## **PROCLAMATION**

"National Safe Digging Month" – Marilyn Ackmann, Atmos Energy. Mayor Hutchison presented the proclamation to Marilyn Ackmann, of Atmos Energy. She commented on the great relations that Atmos Energy has with Haltom City and the safety concerns of the citizens before they plan to construct or dig near a utility easement.

## REGULAR AGENDA

Consent Agenda Items 2, 3, and 4 were placed on the Regular Agenda: Mayor Hutchison dissolved the Consent Agenda and took action on each item.

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of March 23, 2015. Council Member Dr. An Truong moved, seconded by Council Member Jeff Western, to approve the Minutes of March 23, 2015. ***The vote was unanimous. Motion carried.***
2. **Water and Wastewater Utility Parts Bid** – Consideration and/or action regarding award of bid for the purchase of the City's estimated annual requirements of water and wastewater utility parts (Bid No. B2015-215-001). Greg Van Nieuwenhuize, Public Works Director, presented the bid and a discussion was held regarding the awarding of bids to local supply companies. Council Member Trae Fowler moved, seconded by Council Member Marian Hilliard, to approve Bid No. B2015-215-001- water and wastewater utility parts. ***The vote was unanimous. Motion carried.***
3. **Property Enhancement Incentives Policy** – Consideration and/or action regarding approval of Resolution No. R-2015-003-01 authorizing the Property Enhancement Incentives Policy. Susan White, Business Development Coordinator, presented the policy and a discussion was held regarding the action of neighboring cities involved with this same policy and the advertising on the city website. Council Member Fowler stated he had failed to receive this agenda item in his packet and therefore moved, seconded by Mayor Pro Tem Bob Watkins, to table this item until the next Council meeting. ***The vote was unanimous. Motion carried.***
4. **Council Budget Committee** – Consideration and/or action regarding approval of Resolution R-2015-006-01 creating the Council Budget Committee. City Manager Tom Muir presented the updated resolution and Council Member Hilliard stated she was supportive of the resolution, but did not agree with the wording on certain parts of the resolution. Council Member Fowler stated he wanted this item discussed at the Council Round-Table (Worksession), but it was not scheduled. Council Member Hilliard moved, seconded by Council Member Western, to table this item until the April 27, 2015 Council meeting. ***The vote was unanimous. Motion carried.***
5. **Ordinance No. O-2015-003-15 (CU-002-15)** – Conduct a public hearing and consider action on the application of Arnulfo Rodriguez, on behalf of Jesus Mejia-Villalva, for a Conditional Use Permit request with site plan approval, for Tire Sales Store uses located on Tract 18B09 of the Joel Walker Survey, A-1654, being 0.198 acres located south of E. Belknap Street and west of Layton Avenue, locally known as 4320 E. Belknap Street. ***1<sup>st</sup> Reading.*** Justin French, Planning and Community Development Director, presented the ordinance and Arnie Rodriguez, 1850 East Street, Fort Worth, also showed a PowerPoint that included photos and landscaping information. A discussion was held regarding tire disposals, building renovation, and parking accessibility. Mayor Hutchison opened the Public Hearing at 8:25 p.m. No citizen came forward. Mayor Hutchison closed the Public Hearing at 8:25 p.m. and recognized Council Member Stephanie Davenport, who moved, seconded by Council Member Truong, to approve with the condition that there is a plan for tire disposal for the application of the conditional use on behalf of the permit requestor for Ordinance

No. O-2015-003-15 (CU-002-15) – first reading. Mayor Hutchison questioned if there was a mention of either a sidewalk or landscape addition to the motion. Council Member Davenport stated she wanted to include the sidewalk on her motion and not the landscape – the way it was presented. Council Member Truong did not agree to the sidewalk addition and withdrew his second. Council Member Fowler asked Council Member Davenport if she would consider adding “No outside storage of tires” to her motion. He also asked if she would allow for the applicants to work with Justin French to return on the second reading with a modified application regarding the landscaping that would be reasonable for the property size. He agreed to second her motion if she were to make the additions and changes. Council Member Davenport moved to approve Ordinance No. O-2015-003-15 (CU-002-15) with the condition of a plan for a tire disposal, revised landscaping, and no outside tire storage – first reading. Justin French notified the Council that there was already an outside storage of the tires in the application, but it would be under a canopy and enclosed with fencing on all three outside sides - not as a building enclosure, but still meeting the ordinance requirements. The wording “No outside storage that is unscreened” was accepted. Council Member Fowler seconded the motion. ***The vote was unanimous. Motion carried.***

**The applicant for Agenda Item # 6 was not present. The Agenda Item was delayed until the applicant arrived.**

7. **Ordinance No. O-2015-005-15 (Z-002-15)** – Conduct a public hearing and consider action on the application of Victor Trotter, on behalf of Newaire Corp Partner, Inc. and Rita R. Wilson for approval of a Zoning Change request from “C-3” Commercial District and “M-1” Industrial District to “PD” Planned Development for “C-3” uses plus office warehouse, warehouse, and wholesale distributor and “PD” Planned Development for limited “M-1” uses located on G. W. Burkitt’s Subdivision Block 22, Lot 22A and 22B, L. Merrill 25R, 26R & 27R; Tracts 18B07, 18B1, 18B1A, 18B5, 18B6, 18B11, and 18D of the Joel Walker Survey, A-1654; and Lots 26A, 27A, and 28A of the J. A. Murrel Addition being 3.328 acres of land located south of E. Belknap Street and east of Layton Avenue, locally known as 1708, 1714, and 1728 Layton Avenue; and action on an amendment to Ordinance No. O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan – ***1<sup>st</sup> Reading.*** Justin French, Planning and Community Development Director, presented the ordinance and property owner Victor Trotter showed a PowerPoint that included the current property status and the projected plans. A discussion was held regarding the parking entrance, fire vehicle turning, and improvement specifics. Mayor Hutchison opened the Public Hearing at 9:10 p.m. No citizen came forward. Mayor Hutchison closed the Public Hearing at 9:11 p.m. and recognized Council Member Fowler, who moved, seconded by Council Member Western, to approve Ordinance No O-2015-005-15 (Z-002-15) - 1<sup>st</sup> reading – for the application of Victor Trotter. ***The vote was unanimous. Motion carried.***

**The Council took a break at 9:12 p.m. and resumed at 9:20 p.m.**

**The applicant for Agenda Item # 6 was not present.** City Attorney Wayne Olson advised Mayor Hutchison to check if there were any citizens attending that were planning on speaking at the Public Hearing for Agenda Item #6. No citizen responded to this inquiry. Mayor Hutchison requested a tabling of Item # 6. Council Member Western moved, seconded by Council Member David Averitt, to

table Ordinance No. O-2015-004-15 (Z-001-15) for a later date when the applicant is present. After a discussion regarding the re-advertising for a Public Hearing and a confirmation of the applicant's soon arrival by Justin French, Council Member Western rescinded his motion and Council Member Averitt rescinded his second. The Agenda Item was delayed until the applicant arrived.

8. **Ordinance No. O-2015-006-15 (Z-003-15)** – Conduct a public hearing and consider action on the application of Chuck Barnett, on behalf of the City of Haltom City Economic Development Corporation, for approval of a Zoning Change request from "SF-1" Single Family Residential to "C-1" Commercial District located on Tracts 5, 5B6, and 5J of the Green B. Stanley Survey, Abstract 1378, being 3.819 acres of land located south of Northern Cross Boulevard and west of Haltom Road, locally known as 4500, 5009, and 5017 Haltom Road; and action on an amendment to Ordinance No. O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan – **1<sup>st</sup> Reading**. Justin French, Planning and Community Development Director, and Assistant City Manager Charles Barnett presented the application, which included a PowerPoint presentation that illustrated the location of the lots and the projected business development. In addition, information regarding the marketing availability and the future traffic increase was provided. A discussion was held regarding the different types of businesses that could be established in the zoning change area and retaining residential property. Mayor Hutchison opened the Public Hearing at 9:45 p.m. and the following citizens came forward:
1. Danielle Tucker, 4509 Easy Street – Objected to retail businesses being established behind her home and asked to prioritize consideration for citizens.
  2. Stephen Tucker, 4509 Easy Street – Requested leaving the property as residential; consider the possibility of a park on the property; asked for an extra property boundary buffering to 20' instead of 10'; requested a high permanent fence; requested the office structures resemble the nearby homes.
- Mayor Hutchison closed the Public Hearing at 9:55 p.m. and recognized Council Member Fowler, who moved, seconded by Council Member Truong, to deny Ordinance No. O-2015-006-15 – first reading – for the proposed Haltom Road office park and if it were necessary to be brought back to the Council, it would be considered as a possible plan development or it would remain in its current status as "Single Family". Justin French requested clarification on the motion and asked if the Council would consider continuing the Public Hearing and tabling this item so that the EDC could come back with a planned development and that stipulation be inserted that would work with a potential developer and appease the Council. He also stated some requirements could be changed to accommodate the citizens in regard to fencing and property buffering. Council Member Fowler stated he would not change his motion for denial. City Attorney Wayne Olson inquired if there was anything in the ordinance regarding a denial without prejudice or if there is a limitation on reapplication. Mr. French replied that would occur on the same request and that the EDC would not be able to apply again for a C-1 for another year, but have to use another request code change. City Attorney Olson advised the Council to deny "without prejudice" and that would allow the EDC to come back and approach the Council without a one-year waiting period. Council Member Fowler asked why the application couldn't come back as a different request code without the waiting period. City Attorney Olson stated it could be debatable if it came back within the waiting period under a different code request. Council Member Fowler amended his motion by adding "without prejudice" and the understanding of an assurance that the neighboring

citizens would be notified that this item is brought again to the Council for consideration of a zoning change. Mayor Hutchison asked that if the P & Z approved it by a vote of 3-2, does this mean that the Council vote would have to be a super-majority to deny and City Attorney Olson stated "no". Council Member Truong amended his second to the motion. Mayor Pro Tem Watkins asked for a review of the motion for clarity and Council Member Fowler reviewed his intent for his amended motion. **The vote was unanimous. Motion carried.**

**The applicant for Agenda Item # 6 had arrived.**

6. **Ordinance No. O-2015-004-15 (Z-001-15)** – Conduct a public hearing and consider action on the application of Chase D. Pearce, on behalf of Jimmy and Ann Nguyen, for approval of a Zoning Change request from "PD" Planned Development for all "C-3" uses plus limited Auto Dealer, Auto Repair, and Residential Quarters uses to "PD" Planned Development for all "C-3" uses plus Auto Dealer, Auto Repair, and Residential Quarters uses located on Lot 1R, Block 1R of the Le Addition, being 1.682 acres of land located south of NE 28<sup>th</sup> Street and west of N. Beach Street, locally known as 2219 N. Beach Street. **1<sup>st</sup> Reading.** Justin French, Planning and Community Development Director, presented the ordinance and Chase Pierce, was also present to provide additional information. A discussion was held regarding the cleanup of the property and Mayor Hutchison opened the Public Hearing at 10:08 p.m. No citizen came forward. Mayor Hutchison closed the Public Hearing at 10:09 p.m. and recognized Council Member Truong, who moved, seconded by Council Member Fowler, to approve Ordinance No. O-2015-004-15 (Z-001-15) – on the application of Chase D. Pearce, on behalf of Jimmy and Ann Nguyen, for approval of a Zoning Change request for all "C-3" uses plus limited Auto Dealer, Auto Repair, and Residential Quarters located at 2219 N. Beach Street – first reading. **The vote was unanimous. Motion carried.**
  
9. **Backage Roads Project** – Consideration and/or action to approve a contract amendment for the Backage Roads Project. Assistant City Manager Chuck Barnett reviewed the listed spending on the project and stated the EDC had received this information and allowed him to go forward with this to the Council, mainly because of the timeline of potential restaurant developers needing to have this area lifted from the existing flood plain. Mr. Barnett also gave a briefing of the funding of the major revenues and expenditures and the items needed to be completed for the project to be finished. Greg Van Nieuwenhuize, Public Works Director, presented expenditure explanations on contract amendment #10, specifically the needed acquisition of grants that could only be acquired by accepting bids that had not yet received a "signing off", which in turn could have caused a year delay and subsequently a loss of grant funding. He also stated the different types of drainage stabilizer methods that were available and the shortcomings of each of them, prior to the Flexamat block dissipaters. A discussion was held regarding the dirt excavation, trench compaction, and construction and stabilizing of the drainage outfall structure cost of \$384,432.00, specifically in regard to the absence of bidding for this specific expenditure. Council Member Fowler moved to approve the backage road contract amendment, with the exception of item #3, which relates to the drainage outfall structure, and asked that the item be placed for a consideration of an open bid. He inquired of Mr. Van Nieuwenhuize of the critical timeline involving the item. Mr. Van Nieuwenhuize stated a developer desiring to build a restaurant site was informed that it would be close to a year before the city would receive a "LOMR"

(Letter of Map Revision) and the developer was willing to take that risk. He also stated that if this portion of the amendment is delayed, then an amendment would have to be done with Graham Associates, which would involve them designing a separate contract for this item and then pursue a bid, which takes approximately two months. In addition, an extra 2-3 weeks would be needed for the engineer to reset this for a stand-alone contract, so the total time would be around 3 months. Council Member Fowler inquired of Mr. Chris Connors, of Graham Associates, as to why there was no bidding process done for this part of the project. Mr. Connors replied that there was a time element and that the engineering stabilizing use products slated for use in the earlier design phase were rejected, along with the delay of resetting of an existing sewer line. In addition, he stated the stabilizing Flexamat product would be able to save money and meet the design requirements, but there would be a problem in bidding the Flexamat because it is a new product. Council Member Fowler asked if there was any available funding contingent upon completion of this amendment and was informed that all funding has been received. Mr. Barnett stated he was not recommending this for Tiseo's timeline of completion of the backage roads paving, but rather for the LOMR to be received within a year for the developer's benefit. Council Member Fowler stated he thought that receiving the LOMR within a year would be difficult because of all the construction work being done in this area. He also asked what effect tabling this item would have toward this project and Mr. Connors informed him that this would delay the LOMR process. Council Member Fowler then retracted his motion. Council Member Western moved, seconded by Council Member Hilliard, to approve the Backage Roads Project change order. **(Upon the first vote tally, Council Members Hilliard and Western voted aye. Mayor Pro Tem Watkins and Council Members Averitt and Fowler voted nay. Council Members Davenport and Truong had not voted. Mayor Hutchison shut off the voting tally, waited, and then posted the vote tally again.) Council Members Hilliard, Western and Truong voted aye. Mayor Pro Tem Watkins and Council Members Averitt, Fowler, and Davenport voted nay. Motion denied.** Council Member Fowler moved, seconded by Mayor Pro Tem Watkins, to approve contract amendment items 1, 2, and 4 and table item 3 – items relative to constructing and stabilizing the drainage outfall structure – to the next meeting and see if Staff can provide a time frame for this item for contract bidding. **The vote was unanimous. Motion carried.**

#### **VISITORS/CITIZENS FORUM**

No citizen came forward:

#### **BOARDS/COMMISSIONS**

10. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. Council Member Western submitted the resignation of Library Board member Ann Bastable. **The vote was unanimous – resignation accepted.**
11. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions. There were no appointments or reappointments.
12. **Board/Commission Reports** – Receive reports from Council liaisons. Mayor Hutchison stated a P & Z Workshop will be held on Tuesday, April 14, 2015.

**EXCUSED ABSENCE OF COUNCIL MEMBERS**

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

**EXECUTIVE SESSION**

**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.

**Section 551.074**

Deliberation regarding the appointment, employment, evaluation, reassignment, resignation, duties, discipline or dismissal of the City Secretary.

The Council went into Executive Session at 10:43 p.m.

**RECONVENE TO REGULAR SESSION**

14. Take any action deemed necessary as a result of the Executive Session, including approval of settlement in City of Haltom City v. DFA, LLC, et. al.

The Council returned to Regular Session at 11:28 p.m. Council Member Hilliard moved, seconded by Mayor Pro Tem Watkins, to approve the settlement in City of Haltom City v. DFA, LLC, et. al., as discussed in Executive Session. **The vote was unanimous. Motion carried.**

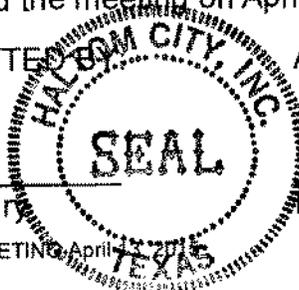
**ADJOURNMENT**

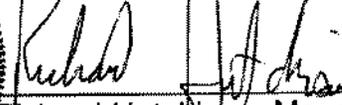
Mayor Hutchison adjourned the meeting on April 13, 2015 at 11:30 p.m.

RESPECTFULLY SUBMITTED

APPROVED BY:

  
Art Camacho, City Secretary



  
Richard Hutchison, Mayor