

Office of the City Secretary

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Cathy Bourg, City Secretary
Date: July 21, 2015
Subject: Minutes from the July 7, 2015 regular City Council meeting

City Council Action Requested:

Consider approval of the July 7, 2015 regular City Council meeting minutes.

Background Information:

Attachment – July 7, 2015 Draft Minutes

Board/Citizen Input:

N/A

Financial Impact:

N/A

Staff Contacts:

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**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
July 7, 2015
DRAFT MINUTES**

Roll Call:

Council present:

Bill Agan, Mayor
Roland Goveas, Place 1
Allison Barrette, Place 2
Robert DeSoto, Place 3
Beverly Williams, Place 4
Edward Lopez, Mayor pro-tem

Council Absent:

Staff

Eric Strong, City Manager
Cathy Bourg, City Secretary
Betsy Elam, City Attorney

WORK SESSION – Mayor Bill Agan Called to Order – Time 6:00 p.m.

1. Discussion regarding Richland Hills Activities Center Project.

Eric Strong, City Manager updated council regarding the Richland Hills Activities Center Project. Mr. Strong presented the most current proposed concept plan and layout, which includes a single story floor plan.

2. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act).

Motion: Motion was made by Councilmember Williams, and seconded by Councilmember DeSoto to convene into executive session. Time: 6:12 p.m.

Motion passed 5-0.

Mayor Agan reconvened into open session. Time: 6:43 p.m.

3. Discussion of items and presentations listed on tonight's City Council Agenda.

Eric Strong, City Manager presented the following agenda items:

- 2C. Interlocal Agreement with Tarrant County for shared re-construction costs of Vance Road from Boulevard 26 to Dover Lane. There was discussion regarding the future replacement of the utilities on that road.
- 5A. Consider authorizing the City Manager to enter into an agreement for a Compensation Study with CPS HR consulting in the amount of \$17,000.
- 6B. Consider update to Utility Billing Procedures and Policy to include the following *changes*:
- Purpose: City of Richland Hills policy and procedures regarding adjustments to customer account due to high water usage caused by underground leak *or anomaly*.
 - Procedure: *3) If water customer has verified with a plumber that no leak exists, but there is an abnormal reading, the City Manager may apply an adjustment to the account. Under an abnormal reading adjustment, only one month may be adjustment in any 24 month period. Adjustments will only be considered if the following circumstances exist:*
 - a. *The City tests the meter and finds it to be functioning properly.*
 - b. *There have been no late payments on the account for the previous 12 months.*
 - c. *There have been no billing adjustments to the account for previous 24 months.*

Break 6:56 p.m.

REGULAR SESSION – Mayor Bill Agan Called to Order – Time 7:00 p.m.

Invocation – Mayor Agan

Pledge of Allegiance – Led by Councilmember DeSoto

PRESENTATIONS

1. PRESENTATIONS

A. Citizen Appearances/Public Comments

Eric Strong, City Manager presented the rules of decorum.

T.D. Dove, 7440 Bridges Ave., Richland Hills spoke in support of Oliver Pettit's request to solicit funds.

Debbye Fritz, 7159 Latham Dr. Richland Hills gave an update regarding Keep Richland Hills Beautiful and the Keep Texas Beautiful Conference. Debbye discussed KRHB ideas that included; a rose grant for a garden at the Library and Adopt a Spot. She reported that Buyers Barricade has offered to adopt Handley Ederville, Kate Baker Park and offered to donate signage. She also noted some of the upcoming events: Trinity

Trash Bash, Household Hazardous Waste, Recycle Glass Week, Clean Up the World Campaign, Pollution Prevention Week, Make a Difference Day, National Family Volunteer Day.

Penny Luker, 3333 Rufe Snow Dr., Richland Hills and owner of Mid Cities Air-conditioning spoke regarding the rezoning of this property to mixed use and how it may affect the resale value of the property.

Oliver Pettit, 2565 Hovenkamp, Richland Hills spoke regarding his request to solicit funds in the name of the City, to build a building at Kate Baker Park.

Delauna Plummer, 3112 Faye Dr., Richland Hills wanted to make council aware of an accident that occurred during the 4th of July Parade, where she was injured by a parade float.

CONSENT AGENDA

****Item 5A and 6B moved to consent agenda.***

Motion: Motion was made by Councilmember Goveas, and seconded by Councilmember Barrette to move items 5A and 6B to the consent agenda.

Motion carried by a vote of 5-0.

- 2A. Approval of minutes of June 2, 2015 Regular City Council Meeting and June 16, 2015 Regular City Council Meeting.**
- 2B. Approve Tax Assessment and Collection Contract with Tarrant County for the tax year 2015.**
- 2C. Approve Interlocal Agreement with Tarrant County for shared reconstruction costs of Vance Road Improvements from Boulevard 26 to Dover Lane.**
- 2D. Adopt Ordinance 1295-15, vacating and abandoning a portion of a fifty-foot wide drainage easement, said portion being only that part of the easement located on and across Lots 13, 14, 15, Block B, RICHLAND HILLS, as shown on the plat recorded in Volume 388-C, Page 154, Plat Records, Tarrant County, Texas.**
- 2E. Consider approval of professional service contract with Richard Perkins, P.E. for Engineering/Surveying Services for the Vance Road rehabilitation and reconstruction project.**
- 5A. Consider authorizing the City Manager to enter into an agreement for a Compensation Study with CPS HR consulting in the amount of \$17,000.**

6B. Consider update to Utility Customer Service Policy and Procedures.

Motion: Motion was made by Councilmember Williams, and seconded by Councilmember DeSoto to approve all consent agenda items.

Motion carried by a vote of 5-0. Councilmember Goveas and Councilmember Williams abstained from approval of the June 16, 2015 minutes.

PUBLIC HEARING, MEETINGS, AND OTHER RELATED ITEMS

3A. Public Hearing regarding adoption of amendments to Ordinance No. 1273-14, the Zoning Ordinance, including amendments to Subsection 1.05.03 Rules of Construction; Subsection 3.02 Use Chart regarding regulations for garage apartments, guest houses, live-above mixed uses, live/work units, multifamily residences, townhomes, senior housing and senior living facilities, accessory structures, community centers, contractor's shops and/or storage yards, farmer's markets, hotel/motels, and temporary buildings for new construction; Subsection 3.02.01 Conditional Development Standards; Subsection 4.02 Accessory Structure Standards regarding regulations for residential and nonresidential accessory structures, carports, and temporary accessory structures; Subsection 4.03 Supplementary Regulations regarding regulations for residential lot regulations and front yard setbacks; Subsection 6.01 Creation of a Building Site; Subsection 6.12 Zoning Variance; Subsection 6.13 Zoning Special Exception; and Section 8 Definitions.

Eric Strong, City Manager read the item description.

Mayor Agan opened the public hearing. Time: 7:23 p.m.

Gerrit Spieker, 3401 Jonette Dr., Richland Hills expressed his concern with the provision of a building having to be 8 foot from another building; this will make some homes in the city nonconforming. Mr. Spieker feels the ordinance is not ready. He also has concerns with garage apartments being allow in R7 and R10 and accessory buildings being allow in residential. Mr. Spieker would like to see the item tabled.

Heather Shankle presented to council the following proposed amendments to the Zoning Ordinance 1273-14:

Subsection 1.05.03 Rules of Construction (page 9) – Item (F) contains two statements that conflict with each other. (1) states that text controls over charts or graphics. (2) states use regulations controls over district regulations.

All uses are outlined within a "use chart". District regulations are outlined in text. Therefore, a direct conflict exists because of Subsection 1.05.03(F). Due to the fact that district regulations

are specific within the text of the ordinance, while the use chart is a reference point, it is staff's recommendation to remove 1.05.03 (F)(2) which eliminates the direct conflict.

Subsection 3.02 Use Chart (page 44-51) - Garage apartments - Garage apartment is only allowable as use by right in SFE zoning, but requires an SUP in SF10, SF7 and MX zoning. As family dynamics change, it is a reasonable expectation for a single family residence to require the need to construct new or convert a garage to a garage apartment. It is staff's recommendation that garage apartment is a use by right in SFE, SF10 and SF7 while leaving the SUP requirement in MX.

Guest houses - Guest House is allowable as use by right in SFE, SF10, SF7, MF1 and MX zoning, and requires an SUP in MH zoning. The initial conflict is that the MF1 zoning district is two-family duplex zoning. Existing lot dimensions for MF1 zoned property within the City would make it difficult to construct a guest house. It also seems illogical to have a detached guest house while the main structure is a two-family attached unit. Additionally, the MX zoning district is intended to create unique, pedestrian-friendly areas with a blend of residential and nonresidential uses typically in a vertical mixed use style with residential above nonresidential. Allowing a guest house as a use by right within the MX zoning district would not meet the intent of the ordinance. Therefore, it is staff's recommendation that the allowance of a guest house as a use by right in MF1 zoning be removed, the SUP requirement in MH zoning be removed with guest house not be allowed in the MH zoning, and a SUP requirement be established for guest house in MX zoning district.

Live-above mixed uses - Live-Above Mixed Use is listed with special conditions in R, LC and MX zoning districts. As stated above, MX zoning district's intent is to create a blended use of residential and nonresidential uses. Live-Above Mixed Use directly meets the intent of the Ordinance within the MX zoning district. Therefore, it is staff's recommendation that Live-Above Mixed Use be removed a use by right for any district except MX and that the special conditions outlined remained.

Live/work units - Live/Work Units are allowed by SUP in P and R zoning districts. As stated above, MX zoning district's intent is to create a blended use of residential and nonresidential uses.

Live/work units closely meet the intent of the Ordinance within the MX zoning district. Due to the specifics of a live/work unit that are outlined in the definition, it is staff's recommendation that Live/work units be removed a use by right from any district and require a SUP in the MX zoning district.

Multifamily residences - Multifamily Residences are allowed by SUP in MF2 and MF3 zoning districts. MF2 and MF3 zoning districts regulate multifamily residences. It is staff's recommendation to make multifamily residences a use by right in MF2 and MF3 zoning districts.

Townhomes - Townhome is allowed by SUP in MH zoning district. By definition, a townhome would not meet the requirements within a MH zoning district. Therefore, it is staff's recommendation that the SUP requirement for Townhome in MH zoning district be removed and the use not be allowed in the MH zoning district.

Senior housing and senior living facilities – Staff felt these two types of uses were very similar and that further clarification was required. Comments from Commissioners were received

that the two uses were defined clearly and recommendation was made that no changes be made.

Accessory structures – see Subsection 4.02 below

Community centers - Community Center is a use by right in every nonresidential zoning district except MX in which it is allowed with an SUP. It is staff's recommendation that the SUP requirement for Community Center in MX zoning district be removed, and permit as an allowable use by right.

Contractor's shops and/or storage yards - Contractor's Shop and/or Storage Yard is allowable by SUP in LC and HC zoning districts, and permitted as use by right in I zoning district. There are several different types of contractors and only having one defined use groups them together. Some contractors only require office space which makes the SUP requirement unnecessary. Staff recommends separating the types of contractors by defining whether outside storage is required. Staff also recommends adding in a definition of a storage yard, separating it from the contractor's definition.

Farmer's markets - Farmer's Market is only allowed by SUP. One or more zoning districts should establish a seasonal use allowance for farmer's markets and snow cone stands. Typically this would be in the mixed use zoning district, but establishing the allowance in other nonresidential districts is an option. Staff's recommendation is to add a seasonal use allowance as a use by right in the MX zoning district. The regulations will be outlined in Subsection 3.02.01 Conditional Development Standards. Comments were received from Commissioners regarding the farmer's market. Commissioner Baker did feel that the regulations should be limited, and that there should not be a requirement for Neighborhood Services to review parking and sanitary sewer facilities.

Hotel/motels - Hotel/Motel is allowable as use with special conditions in R, LC and MX zoning districts. Hotel, Extended Stay is allowable as use with special conditions in LC zoning district. These special conditions that are outlined are generic and do not provide adequate regulations for any new hotel/motel construction. It is staff's recommendation that hotel/ motel and hotel, extended stay require a SUP that incorporates the regulations outlined in Subsection 3.02.01 Conditional Development Standards.

Temporary buildings for new construction - Temporary building for new construction is allowed with conditional development standards in every zoning district. The issue is that a 3 year timeframe (with extensions) is allowed. Temporary field offices and portable buildings become permanent fixtures when in place for that extended period of time, and it becomes difficult for staff when dealing with code enforcement violations due to noncompliant structures. It is staff's recommendation to reduce the time period to 1 year with a six month extension allowed only with an extension of an approved building permit. Also, regulations should be established in 4.02 Accessory Structure Standards for temporary structures.

Subsection 3.02.01 Conditional Development Standards (page 52-57) – see temporary building for new construction and farmer's market above for details regarding proposed changes

Subsection 4.02 Accessory Structure Standards (page 59 – 62) – In the use chart, accessory structures are permitted in every zoning district. In Subsection 4.02 Accessory

Structure Standards, residential accessory structures are required to meet the setback requirements of the principal structure and accessory structures are prohibited in nonresidential zoning districts. It is staff's recommendation that residential accessory structure regulations should be modified to revert back to the setback requirements from the previous Zoning Ordinance, Ordinance No. 887- 00, with the exception of the buildings over 440 SF. Staff recommends that accessory structures, regardless of size, should meet the outlined reduced setbacks. In addition, staff recommends that accessory structures are allowed within nonresidential zoning districts with the same regulations as residential accessory structures except for the number allowed and the masonry requirements. Staff created Subsection 4.02.03 to outline regulations for temporary buildings.

Subsection 4.03 Supplementary Regulations (page 65) – a building permit requires a platted lot, but this section allows for new construction on an unplatted lot. Staff recommends removing the wording regarding unplatted lot.

Subsection 6.01 Creation of a Building Site (page 83) - the requirement of a building permit is not outlined in the zoning ordinance although it is required within the City of Richland Hills' Charter and in the adopted International Codes. Staff created Subsection 6.01.02 adding the permit requirement.

Subsection 6.12 Zoning Variance (page 116) – Under the Purpose and Applicability section, the wording implies that a variance will only apply to "performance standards". Staff recommends the clarification as outlined in the attached draft.

Subsection 6.13 Zoning Special Exception (page 119) – Due to an increase in recent ZBA cases related to accessory structures, staff reviewed Subsection 6.13.01 (D) (2) and (3). It was determined that the subsections provided a conflict and possible duplication. Staff recommends the proposed amendments to the subsection as outlined in the attached draft.

Section 8 Definitions (page 125 and 128) - Staff provided definitions for:

- Building, Temporary Occupancy
- Contractor, General/Electrical/Mechanical/Plumbing (no outside storage)
- Contractor, General/Electrical/Mechanical/Plumbing (outside storage)
- Contractor Storage or Equipment Yard

There was discussion among council throughout the presentation regarding the proposed changes.

Motion: Motion was made by Councilmember Barrette, and seconded by Councilmember Goveas to keep the public hearing open until the August 4th meeting at 7:00 p.m.

Motion carried by a vote of 5-0. Time: 8:29 p.m.

3B. Discussion and action regarding adoption of an ordinance amending Ordinance No. 1273-14, the Zoning Ordinance, including amendments to Subsection 1.05.03 Rules of Construction; Subsection 3.02 Use Chart regarding regulations for garage apartments, guest houses, live-above mixed uses, live/work units, multifamily residences, townhomes, senior

housing and senior living facilities, accessory structures, community centers, contractor's shops and/or storage yards, farmer's markets, hotel/motels, and temporary buildings for new construction; Subsection 3.02.01 Conditional Development Standards; Subsection 4.02 Accessory Structure Standards regarding regulations for residential and nonresidential accessory structures, carports, and temporary accessory structures; Subsection 4.03 Supplementary Regulations regarding regulations for residential lot regulations and front yard setbacks; Subsection 6.01 Creation of a Building Site; Subsection 6.12 Zoning Variance; Subsection 6.13 Zoning Special Exception; and Section 8 Definitions.

Motion: Motion was made by Councilmember Williams, and seconded by Councilmember Barrette to table item.

Motion carried by a vote of 5-0.

ORDINANCES, RESOLUTIONS, AND OTHER RELATED ITEMS

4A. None at this time.

CONTRACTS, AGREEMENTS, BID AWARDS, AND OTHER RELATED ITEMS

5A. Consider agreement for Compensation Study.

Item was discussed during the work session, under item 3.

**Moved to consent agenda*

OTHER ITEMS FOR CONSIDERATION

6A. Consider request by citizen for soliciting funds for structure in Kate Baker Park.

This is a request from Oliver Pettit to solicit funds to build a structure in Kate Baker Park. He is requesting the council consider allowing him to solicit funds in the name of the City, to build a replica of the original building at Kate Baker Park, in the form of a 90x50 brick building.

Gerrit Spieker, 3401 Jonette Dr., Richland Hills spoke in support of Oliver Pettit's request to solicit funds for a structure in Kate Baker Park. Mr. Spieker also spoke in support of item 6B, an update to Utility Customer Service Policy and Procedures.

Oliver Pettit, 2565 Hovenkamp, Richland Hills spoke regarding his request to solicit funds in the name of the City, to build a building at Kate Baker Park.

Dave Ragan, 7501 Bridges Ave., Richland Hills spoke in support of Oliver Pettit's request to solicit funds for a structure in Kate Baker Park.

There was discussion among the City Council regarding Mr. Pettit's request. If the City Council were to consider accepting donated funds for a building, there would first have to be a concept plan for the building and a cost estimate provided. Council would consider accepting a donation from a nonprofit organization, if the funds were collected without city involvement.

No action taken.

6B. Consider update to Utility Customer Service Policy and Procedures

Item was discussed during the work session, under item 3.

**Moved to consent agenda*

REPORTS AND DISCUSSION

7A. Discussion on Code Enforcement Property Survey

Eric Strong, City Manager presented to council an update and result from the software for Code Enforcement Property. Last month our Code Enforcement department undertook a project to assess every residential property in the city. The properties were assessed condition grades based on various factors, including: Condition of main structure, Condition of accessory structures and fences, Condition of driveway, Condition of yard and Junked Vehicles.

7B. Discussion regarding Mosquito Abatement

Scott Mitchell, Director of Neighborhood Services gave an update regarding mosquito abatement and operations. So far, we have had one mosquito test positive for West Nile in Richland Hills. The area around the trap with the positive test was hand sprayed for a ¼ mile radius, with three treatments over a five day period as directed by Tarrant County Public Health. No more positive results have occurred at this time. Code Enforcement has concentrated on high grass and weed violations in an attempt to get compliance to prevent mosquito breeding. Public Works and the city landscape contractor have been aggressively mowing city property as practical when the ground dries out.

7C. Update regarding 2015 Legislative Session

Eric Strong, City Manager gave an update on the Transportation Bill the City of Richland Hills was working on that relates to public transportation. This Transportation Bill was passed and has been signed by the Governor. City Manager Strong went over the following highlights of the passed legislation:

- Changing the board composition from nine members to eleven. This gives the County three appointments instead of one. There is no guaranty that Richland Hills will have a seat on the board.
- The previous legislation stated that The T must cease all operations within the city, if the city were to withdraw. With the new legislation, if the citizens of Richland Hills vote to withdraw, The T may continue to operate the train station.
- The new legislation states that we are not responsible for any debt or contracts issued from the date we called the election to withdraw. Previously, we would have been responsible for our share of any debt/contracts issued by the T until the date we withdrew. This is significant because The T anticipates issuing over half a billion dollars in contracts before our withdrawal election.

7D. Presentation of Monthly Departmental Reports

No discussion

COMMUNITY INTEREST ITEMS

8. Community Interest

- Independence Day Parade and Celebration was a success
- Thank you to Michaela Williams and Oliver Pettit for singing the National Anthem
- Lunch Bunch on July 9th at noon - Hotdogs and Nachos
- Job Fair July 9th 9:00 a.m. – 11:00 a.m. at the Richland Hills Public Library

EXECUTIVE SESSION

- 9. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein.**

None at this time.

ADJOURNMENT

- 10. A motion was made by Councilmember Barrette, and seconded by Councilmember DeSoto to adjourn. Motion passed 5-0.**

There being no further business to come before the City Council, Mayor Agan declared the meeting adjourned at 9:38 p.m.

ATTEST

Cathy Bourg, City Secretary

APPROVED

Bill Agan, Mayor