

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
APRIL 24, 2023
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Curtis A. Bergthold, Mayor Pro Tem
Douglas Knowlton, Place 1
Travis Malone, Place 2
Javier Alvarez, Place 4
G.W. Estep, Place 5

Council absent

Staff present

Candice Edmondson, City Manager
Lindsay Rawlinson, City Secretary
James Donovan, City Attorney

CITY COUNCIL WORK SESSION – 6:00 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.
 1. Section 551.071: Consultation with Attorney
 - a. Auto Repair Businesses

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Estep to adjourn into Executive Session at 6:01 p.m.

Motion carried by a vote of 5-0.

Mayor Lopez reconvened into open session at 6:42 p.m. with no action taken.

2. **Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.**
- 6A. ***Consider acceptance of Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022***

City Manager Candice Edmondson introduced Daniel Hungerford, representing the accounting firm, George, Morgan & Sneed, P.C., who advised that the auditors issued an unmodified, or clean, opinion, and the auditor was able to perform the required work on

the statements provided by management, and has no reservations with respect to these financial statements.

Mayor Lopez adjourned the work session at 6:59 p.m.

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:04 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE – Councilmember Malone

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Knowlton to move consideration of Agenda Item 6A to the beginning of the Regular Session.

Motion carried by a vote of 5-0.

6A. Accepted of Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022

Item was discussed during the work session.

Daniel Hungerford, representing the accounting firm, George, Morgan & Sneed, P.C., expressed his appreciation to the City Council for their time and attention and briefly reiterated what he reported during the Work Session.

The City Council thanked Mr. Hungerford and his accounting firm for their work.

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Bergthold to approve and accept the Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022.

Motion carried by a vote of 5-0.

PRESENTATIONS

1A. Business Spotlight: Austin Bridge & Road

Assistant to the City Manager Logan Thatcher provided a brief introduction for Austin Bridge & Road located at 7477 Airport Freeway.

1B. National Crime Victims Week Proclamation

Mayor Lopez read a proclamation declaring April 23 – 29, 2023, as “National Crime Victims Week” in Richland Hills and presented the proclamation to Victim Assistance Coordinator Teresa Koontz, and Victim Assistance Specialists Dennise Espeleta and Valerie Farrell with the North Richland Hills Police Department.

1C. National Corrections Officer Week Proclamation

Mayor Lopez read a proclamation declaring May 7 – 13, 2023, as “National Corrections Officer Week” in Richland Hills and presented the proclamation to Detention Facility Manager Justin Smith, Detention Lead Penny Campbell, and Detention Officer Steven DeMora with the North Richland Hills Police Department.

1D. Municipal Clerks Week Proclamation

Mayor Lopez read a proclamation declaring April 30 – May 6, 2023, as “Professional Municipal Clerks Week” in Richland Hills and presented the proclamation to City Secretary Lindsay Rawlinson.

1E. National Drinking Water Week Proclamation

Mayor Lopez read a proclamation declaring May 7 – 13, 2023, as “National Drinking Water Week” in Richland Hills and presented the proclamation to Director of Public Works and Capital Projects Kip Dernovich.

Mr. Dernovich expressed his appreciation to the City Council for the proclamation and spoke briefly about a coloring contest that will be held in conjunction with National Drinking Water Week.

1F. Citizen Appearances/Public Comments

None.

CONSENT AGENDA

2A. Approved minutes from the March 24, 2023 Strategic Planning Workshop, March 25, 2023 Strategic Planning Workshop, March 27, 2023 City Council Regular Meeting, and April 10, 2023 City Council Budget Workshop.

2B. Approved professional services agreement with Parkhill, Inc. for landscape, architectural and engineering services for the design of improvements to Creek Trail Park and Kate Baker Park

2C. Approved contract renewal with Yellowstone Landscaping, LLC for citywide landscape services and authorize City Manager to sign contract

Motion: Motion was made by Councilmember Malone and seconded by Councilmember Estep to approve the consent agenda.

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**3A. Denied Ordinance 1470-23 a Specific Use Permit (2023-0127) to permit a Guesthouse for the property described as Block D Lot 2 Richland Hills Addition, Richland Hills, Texas, otherwise known as 3415 Crites Street, Richland Hills, Texas 76118. PUBLIC HEARING**

Assistant to the City Manager Logan Thatcher presented the item to the City Council and advised that applicant Brandon Elias of Cavadian Properties has applied for a Specific Use Permit for a guesthouse. This property located at 3415 Crites Street is in the Single-Family Zoning District (SF-10). In the Future Land Use map, the property is placed in the Mixed-Use Zone. The property is 11,587 square feet and the guesthouse structure is 2,048 square feet. When plans were first sent to City staff for review, the plans included a kitchen. Staff advised the applicant that a guesthouse could not include a kitchen per City Ordinance. The applicant revised the plans and removed the kitchen.

Staff identified additional items that do not meet the Guesthouse Ordinance. The guesthouse must *"Meet the setback requirements for accessory structures as stated in section 4.02.01 Residential Accessory Structures" (3.02.01 (19))*. The side setback is five feet as stated in 4.02.01, *"Side. The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street."* The structure is currently 4'1" from the side yard property line. The structure also exceeds 40 percent of the livable floor area, which is in violation of Ordinance 3.02.01 (C,3). Additionally, the Guesthouse Ordinance states that structures *"Not be separately rented or leased from the main dwelling, whether compensation is direct or indirect"*(C,6).

The Planning and Zoning Commission considered the item at their March 28, 2023 meeting and voted 4-0 to deny Specific Use Permit 2023-0127.

Discussion ensued regarding the current use of the proposed guesthouse structure on the property.

Mr. Thatcher advised that the structure was previously a garage but is currently not used.

Juanita Harris, representing Cavadian Properties, inquired about alternatives available to the property owner if the request for the Specific Use Permit is denied.

Mayor Lopez advised that staff would work with her to discuss potential alternatives.

Mayor Lopez opened the public hearing at 7:44 p.m. and asked to hear from any proponents of the case followed by opponents.

Joyce Fiaccone, 3800 Labadie Drive, Richland Hills, inquired if the structure could be utilized partially for storage and partially as a guesthouse.

City Attorney James Donovan advised that he would have to do further research on that question.

Mayor Lopez closed the public hearing at 7:46 p.m.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Knowlton to deny Ordinance 1470-23, Specific Use Permit 2023-0127 to permit a Guesthouse for the property described as Block D Lot 2 Richland Hills Addition, Richland Hills, Texas, otherwise known as 3415 Crites Street, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. Approved Resolution 574-23 stating the primary intended uses of the City of Richland Hills' second distribution of local fiscal recovery funds through the American Rescue Plan Act

City Manager Candice Edmondson presented the item to the City Council and advised that Richland Hills has received \$1,972,588.93 in fiscal recovery funds as provided in the American Rescue Plan Act (ARPA). The funds are intended to help the City combat the COVID-19 pandemic, including ongoing public health and economic impacts. The City received its first payment in the amount of \$985,320.80 on August 23, 2021 and a second payment in the amount of \$987,268.13 on September 26, 2022.

On January 24, 2022, City Council adopted Resolution 549-22 expending the first tranche of funds for water system improvements and premium pay for essential workers (first half). Resolution 574-23 outlines City Council's intent to expend the second tranche of funds for additional water system improvements, premium pay for essential workers (second half) and expansion of broadband infrastructure.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Estep to approve Resolution 574-23 stating the primary intended uses of the City of Richland Hills' second distribution of local fiscal recovery funds through the American Rescue Plan Act.

Motion carried by a vote of 5-0.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5. None.

OTHER ITEMS FOR CONSIDERATION

- 6B. Approved a minor PD amendment to the P Planned Development for the property described as Block L Lots 7 and 8A Richland Hills Addition, otherwise known as 7145 Baker Boulevard, Richland Hills, Texas 76118 and Block L Lot 6 Richland Hills Addition, otherwise known as 7151 Baker Boulevard, Richland Hills, Texas 76118 (Ordinance 1454-22)**

City Manager Candice Edmondson advised that on July 25, 2022, City Council approved Ordinance 1454-22, a Planned Development (PD) to construct townhomes at 7145 and 7151 Baker Boulevard. The project is wrapping up the civil engineering phase, and the developer, MetroCom Properties, Inc., is preparing to break ground on the public infrastructure improvements soon. The development will be called Richland Crossing.

On January 26, 2023, MetroCom Properties, Inc. submitted several minor amendments to the Planned Development as a result of detaching the single-family townhomes. The proposed amendments satisfied all the conditions of a minor PD amendment as outlined in Article 6, Section 6.07.04 of the City Ordinance and were administratively approved by the City Manager.

Recently the developer requested that the minimum building size be reduced from 1,500 square feet to 1,350 square feet to allow for a differentiating product mix within Richland Crossing. DR Horton is preparing to purchase the lots to build the townhomes and would like to reduce the minimum building size to 1,350 square feet to allow DR Horton to build three to four different floor plans, ranging in size, to capture the market and optimize success.

Since the change would not decrease the floor area by more than ten percent, the amendment satisfies the request of a minor PD amendment allowing the City Manager to administratively approve the request per City Ordinance. However, the decision to bring the request for Council consideration is because the minimum building size was originally set at 1,200 square feet when the project was first presented to the City and, based on feedback during stakeholder meetings, the minimum building size was increased to 1,500 square feet.

Discussion ensued regarding the mix of floor plans being considered for the development and the overall potential cost of each townhome.

Motion: Motion was made by Councilmember Estep and seconded by Mayor Pro Tem Bergthold to approve minor PD amendment to the Planned Development for the property described as Block L Lots 7 and 8A Richland Hills Addition, otherwise known as 7145 Baker Boulevard, Richland Hills, Texas 76118 and Block L Lot 6 Richland Hills Addition, otherwise known as 7151 Baker Boulevard, Richland Hills, Texas 76118 (Ordinance 1454-22).

Motion carried by a vote of 5-0.

REPORTS & DISCUSSIONS**7A. Street Improvement Projects**

Director of Public Works and Capital Projects Kip Dernovich presented the Street Improvement Projects update and provided details regarding Dover Lane, Magnolia Park, and Norton Drive. He advised that street sweeping began today, Monday, April 24, 2023 and is scheduled to perform 40 hours of street sweeping work throughout the week.

7B. 2nd Quarter Investment Report

Finance Director Patricia Albrecht presented the 2nd Quarter Investment Report and advised that the City is in a favorable financial position.

7C. Clean, Green, and Lean Event

Director of Parks and Recreation Jason Brown presented information regarding the upcoming Clean, Green, and Lean event to be held Saturday, April 29, 2023, from 8:00 to 10:00 a.m. at the Hike and Bike Trail and from 10:00 a.m. to 2:00 p.m. at The Link Event & Recreation Center.

7D. Charter Amendment Election

City Manager Candice Edmondson advised that early voting for a Special Charter Election to consider 27 propositions amending the City Charter began Monday, April 24, 2023 through Tuesday, May 2, 2023. The Election Day polling place will be Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas 76118. Polling sites will be open from 7:00 a.m. – 7:00 p.m. on Election Day.

Voters can learn more about the proposed Charter amendments and view the sample ballot at <https://www.richlandhills.com/421/Proposed-City-Charter-Amendments>.

7E. March Department Reports

Police Chief Kimberly Sylvester presented the Police Department and Animal Services update and advised that Captain Scott Russell will graduate from the Institute for Law Enforcement Administration on April 28, 2023 and the Vax Shack surgeries on March 23, 2023 was a success.

Discussion ensued regarding red tagging abandoned vehicles and what constitutes an abandoned vehicle.

Director of Parks and Recreation Jason Brown provided the Parks Department update and advised of issues related to mowing public areas and announced that Assistant to the City Manager Logan Thatcher will present information regarding Development Services during the Second Saturday Seminar on Saturday, May 13, 2023.

COMMUNITY INTEREST ITEMS

8. Mayor Pro Tem Bergthold advised of several upcoming events:
- Monday, April 24, 2023 through Tuesday, May 2, 2023, Early Voting for the Charter Amendment Election;
 - Thursday, April 27, 2023, Vax Shack, Animal Services Center, 10:00 to 1:00 p.m.
 - Saturday, April 29, 2023, Clean Green & Lean, City Parks and The Link, 8:00 to 10:00 a.m.;
 - April 15 through May 15, Pick a Perk Link Membership Sale;
 - Saturday, May 6, 2023, Election Day, City Hall, 7:00 a.m to 7:00 p.m.;
 - Tuesday, May 9, 2023, Richland Hills Literary Society, Public Library, 6:30 p.m.;
 - Thursday, May 11, 2023,
 - Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
 - Tarrant County Food Pantry, The Link parking lot, 5:30 to 7:00 p.m.;
 - Police Department Town Hall, The Link, 6:00 p.m.;
 - Saturday, May 13, 2023, Push-In Ceremony, Fire Station, 9:00 to 10:30 a.m.;
 - Monday, May 14, 2023, Flag Lowering Ceremony, Police Department;
 - Tuesday, May 16, 2023, Carnival with the Cops, The Link, 5:00 to 6:30 p.m.;
 - Every Thursday, Coffee Talk, Public Library, 10:00 to 11:30 a.m.;
 - 1st, 3rd, and 5th Thursday of the month, Storytime at the library, 6:30 p.m.; and
 - 2nd and 4th Friday of the month, Arts and Crafts, 6:30 p.m.

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).

None.

ADJOURNMENT

10. A motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Knowlton to adjourn.

Motion carried by a vote of 5-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 8:51 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Edward Lopez, Mayor