

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
APRIL 26, 2021
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Douglas Knowlton, Place 1

Council present via Zoom

Stacey L. Morse, Place 2 (joined during item 3D)

Curtis A Bergthold, Mayor Pro Tem
Javier Alvarez, Place 4
Athena Campbell, Place 5

Staff present

Candice Edmondson, City Manager
Cathy Bourg, City Secretary
Betsy Elam, City Attorney

The Work Session and Regular Session is open to the public and citizens are welcome to attend. However, due to the current Coronavirus (COVID-19) outbreak in our area and in an effort to abide by social distancing recommendations, we encourage citizens wishing to participate in the meeting to email your comment to City Secretary Cathy Bourg at cbourg@richlandhills.com by 5:00 p.m. on Monday, April 26th. Your comment will be read aloud during Item 1C *Citizen Appearances/Public Comments*. If you would like to join and participate in the meeting by video conference or phone, you may do so via the following options:

- **Online via Zoom:** Go to zoom.us, Join a Meeting, and enter Meeting ID 822 6168 2096 and the host will allow you to enter the virtual meeting. The host will ask you what item you would like to speak on, and you will be called upon when that item is presented to address the City Council.
- **By Phone:** Please call (346) 248-7799 and enter Meeting ID 822 6168 2096 and provide your name and address. The host will ask you what item you would like to speak on, and you will be called upon when that item is presented to address the City Council.

CITY COUNCIL WORK SESSION – 6:00 PM

1. **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.

Motion: Motion was made by Councilmember Campbell and seconded by Councilmember Bergthold to convene into executive session. Time: 6:01 p.m.

Motion carried by a vote of 4-0. Councilmember Morse not present

Mayor Lopez reconvened into open session. Time: 6:23 p.m.

2. Discuss proposed amendments to Chapter 6 – Animals of the City Code of Ordinances

Scott Russell, Police Captain presented the follow proposed amendments to Chapter 6 – Animals of the City Code of Ordinances:

- 6-1: Definitions: updated to include all animals, not just dogs.
 - Defined hens and roosters as all domesticated fowl including chickens, turkeys and ducks
- 6-2: Removed Animal Control Officer and modified section to follow Due Process with the Court
- 6-74: Wild Animals: updated to follow state law and federal statutes
- 6-78: Altering of animals to be completed by licensed veterinarian only
- 6-80: Tethering: Defined section in detail to eliminate any confusion on what types of tethers are allowed, the time frame to be tethered and what is a violation of the ordinance
- 6-81: Animals in vehicles: wording updated, do not have to call fire department out to verify temperature
- 6-82: Animals in bed of trucks: added to ordinance
- 6-127: removal of multi pet permit
- 6-146: updated registration section to remove the registration will expire when rabies tag expires as the tag does not have expiration dates on it.
- 6-186: Dangerous incident reports section: procedure update to follow law procedures for due process and state law
- 6-219: Disposal of impounded animals: main change is we do not accept surrenders for euthanizing. We will not accept your surrender to euthanize your pet.
- 6-220 – section 3: we spay/neuter all cats and dogs over 8 weeks old and over 2 pounds.
- 6-272: Keeping of livestock on premises defined to 1 head of livestock under one ownership with a minimum of 20,000 square feet within the fenced enclosure for the livestock, said land being property graded to prohibit runoff onto adjacent property
 - An additional 10,000 square feet of land area is required within the fenced enclosure for each additional head of livestock proposed to be kept on the premise

- 6-301: Breeding ordinance outlined commercially and requires persons to have a permit. This is an attempt to prohibit backyard breeding

Kay Fisk, Animal Control Officer answered questions from Council regarding 6-127: removal of multi pet permit and 6-272: keeping of livestock.

Betsy Elam, City Attorney answered questions from Council regarding the penalty clause.

4. Discuss items and presentations listed on tonight's City Council Agenda.

There was general discussion regarding the following item:

- 3C. Consider Ordinance 1431-21 a Specific Use Permit (SUP 2021-0202) for a Single-Family Residence for the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:02 p.m.

Invocation – Councilmember Knowlton

Motion: Motion was made by Councilmember Bergthold and seconded by Councilmember Alvarez to move item 3D before 3A.

Motion carried by a vote of 4-0. Councilmember Morse not present

1. PRESENTATIONS

A. Presentation of Child Abuse Prevention Month Proclamation

Mayor Lopez presented the Child Abuse Prevention Month Proclamation to Alyssa Carey with Alliance for Children.

B. Presentation of National Animal Control Officer Appreciation Week Proclamation

Councilmember Campbell presented the National Animal Control Officer Appreciation Week Proclamation to Kay Fisk, Animal Control Officer and Melissa Scheuttig, Code Enforcement Officer.

C. Citizen Appearances/Public Comments

Citizen comments emailed to Cathy Bourg (cbourg@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from

discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.

Eddie Rastandeh, 7031 Glenn Hills Rd. spoke regarding the storm drainage creek that goes through his property.

CONSENT AGENDA

2A. Approve minutes from the March 26, 2021 City Council Workshop and the April 12, 2021 City Council Regular Meeting

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Campbell to approve the consent agenda.

Motion carried by a vote of 4-0. Councilmember Morse not present

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

3D. Consider Ordinance 1432-21 a Specific Use Permit (SUP 2021-0222) for Miscellaneous Hazardous Industrial Use for the property described as Lot 3, Block 2-R-1, Richland Gardens Addition, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7020 Midway Road, Richland Hills, Texas 76118 PUBLIC HEARING

Candice Edmondson, City Manager presented Ordinance 1432-21 a Specific Use Permit (SUP 2021-0222) for Miscellaneous Hazardous Industrial Use for the property described as Lot 3, Block 2-R-1, Richland Gardens Addition, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7020 Midway Road, Richland Hills. The property is a new 5,000 square foot warehouse owned by G Catch, LLC.

The applicant for this case is Pablo Parga. He would like to open a pet cremation service, PRS Heavenly Bridge, at this location. The property is currently zoned Planned Development and allows for all uses within the Industrial zoning district. Miscellaneous Hazardous Industrial Use is permitted within the Industrial district with an approved Specific Use Permit (SUP).

The City's Development Review Committee (DRC) has reviewed the SUP request and recommends approval pursuant to the business meeting all requirements of the Texas Commission on Environmental Quality (TCEQ) for pet cremation services.

Ordinance 1432-21 contains a special condition that this Specific Use Permit pertains only to pet cremation services and does not permit other Miscellaneous Industrial Hazardous Uses on this property in the future.

The Planning and Zoning Commission considered the Specific Use Permit request at their April 15, 2021 meeting and recommended approval 5-0

Pablo Parga, the applicant gave a presentation supporting his application to open a pet cremation service. Mr. Parga provided detailed information about the crematory equipment and process and answered questions from Council.

Mayor Lopez opened the Public Hearing: Time: 8:04 p.m.

Sylvia Cervantes via Zoom spoke against the pet cremation service.

Theresa Bledsoe, 2716 Spruce Park spoke against the pet cremation service.

Allison Shumate, 2741 Spruce Park spoke on behalf of her husband who is against the pet cremation service.

Ray Bryant, 6940 Park Place spoke against the pet cremation service.

Mary Sullivan, 2724 Spruce Park spoke against the pet cremation service.

Teresa Wells, 2748 Spruce Park spoke against the pet cremation service.

Randy Wells, 2748 Spruce Park spoke against the pet cremation service.

Jason Butts, 2712 Willow Park spoke against the pet cremation service.

Robin Clay, 2020 Ash Park spoke against the pet cremation service.

Mayor Lopez read email comments from Frances and Marvin Bradley, 2804 Willow Park who are against the pet cremation service.

Andy Hickson is the property owner and spoke in favor of the pet cremation service.

Mayor Lopez closed the Public Hearing: Time: 8:31 p.m.

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Bergthold to deny Ordinance 1432-21 a Specific Use Permit (SUP 2021-0222) for Miscellaneous Hazardous Industrial Use for pet cremation services for the property described as Lot 3, Block 2-R-1, Richland Gardens Addition, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7020 Midway Road, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

3A. Consider Ordinance 1429-21 a Specific Use Permit (SUP 2021-0223) for Outside Storage and Display for the property described as Lot 4, Block 5, MIDWAY PLACE, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7420 Whitehall Street, Richland Hills, Texas 76118
PUBLIC HEARING

Candice Edmondson, City Manager presented Ordinance 1429-21 a Specific Use Permit (SUP 2021-0223) for Outside Storage and Display for the property described as Lot 4, Block 5, MIDWAY PLACE, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7420 Whitehall Street, Richland Hills, Texas 76118.

The property at 7420 Whitehall Street is a 20,300 square foot warehouse owned by the William T. White III Revocable Trust. The warehouse is located in the Midway Business Park and is currently zoned Heavy Commercial.

The applicant for this case is James Wright of Heritage Landscape Supply Group, dba Irrigators Supply. Mr. Wright is currently going through the certificate of occupancy process to open his business at this location. He is seeking a Specific Use Permit (SUP) for outside storage of irrigation pipe and supplies and overnight storage of fleet vehicles. The proposed fencing material will be 8ft high galvanized chain link with finned slats. Chain link fencing with slats is currently only permitted in the Business Park zoning district. There are several existing businesses with chain link fences in Midway Business Park. Based on the proposed fence design and material, staff believes this is an appropriate screening plan for the area.

The City's Development Review Committee (DRC) has reviewed the SUP request and recommends approval.

The Planning and Zoning Commission considered the Specific Use Permit request at their April 15, 2021 meeting and recommended approval 5-0

James Wright, the applicant spoke regarding his request for outside storage and answered questions from Council.

Mayor Lopez opened the Public Hearing: Time: 8:44 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 8:45 p.m.

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Bergthold to approve Ordinance 1429-21 a Specific Use Permit (SUP 2021-0223) for Outside Storage and Display for the property described as Lot 4, Block 5, MIDWAY PLACE, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7420 Whitehall Street, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

3B. Consider Ordinance 1430-21 a Specific Use Permit (SUP 2021-0147) for Cabinet/Upholstery Shop for the property described as Tract 1B Abstract 138 Hamilton Bennett Survey, City of Richland Hills, Tarrant County, Texas

**otherwise known as 3204 Handley Ederville Road, Richland Hills, Texas
76118 PUBLIC HEARING**

Candice Edmondson, City Manager presented Ordinance 1430-21 a Specific Use Permit (SUP 2021-0147) for Cabinet/Upholstery Shop for the property described as Tract 1B Abstract 138 Hamilton Bennett Survey, City of Richland Hills, Tarrant County, Texas otherwise known as 3204 Handley Ederville Road, Richland Hills, Texas 76118.

The property at 3204 Handley Ederville Road is a 2,304 square foot building on 0.44 acres owned by Sam Jackson. The building was previously occupied by Jay Jackson Automotive for many years.

The applicant for this case is Gilbert Quintanilla, Jr. He would like to open a cabinet shop business, Blueprint Millwork, at this location. The property is currently zoned Light Commercial and requires an approved Specific Use Permit (SUP) for a cabinet/upholstery shop.

A code consult was recently conducted as part of the certificate of occupancy process. Several code issues were identified that will need to be addressed prior to occupying the building. A list of code compliance requirements is attached to this memo and included as part of the ordinance.

The City's Development Review Committee (DRC) has reviewed the SUP request and recommends approval pursuant to meeting all code compliance requirements before issuance of a certificate of occupancy for the business.

The Planning and Zoning Commission considered the Specific Use Permit request at their April 15, 2021 meeting and recommended approval 5-0

Gilbert Quintanilla, the applicant spoke regarding his request to open a cabinet shop and answered questions from Council.

Mayor Lopez opened the Public Hearing: Time: 8:57 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 8:58 p.m.

Motion: Motion was made by Councilmember Campbell and seconded by Councilmember Knowlton to approve Ordinance 1430-21 a Specific Use Permit (SUP 2021-0147) for Cabinet/Upholstery Shop for the property described as Tract 1B Abstract 138 Hamilton Bennett Survey, City of Richland Hills, Tarrant County, Texas otherwise known as 3204 Handley Ederville Road, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

3C. Consider Ordinance 1431-21 a Specific Use Permit (SUP 2021-0202) for a Single-Family Residence for the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180 PUBLIC HEARING

Candice Edmondson, City Manager presented Ordinance 1431-21 a Specific Use Permit (SUP 2021-0202) for a Single-Family Residence for the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180.

The property at 7285 Glenview Drive is a 1,211 square foot single-family residence on 0.38 acres owned by Sherry and Robert Leavitt. The Leavitts have owned the property since 2019. The property was previously owned by Mrs. Leavitt's parents, Percy and Gloria Taylor, who resided in the home.

Mrs. Leavitt would like to use the property as a single-family rental home. The property is currently zoned Mixed Use and requires an approved Specific Use Permit (SUP) for a single-family residence.

Prior to adoption of the City's current Comprehensive Zoning Plan in May 2014, the property at 7285 Glenview Drive was zoned Commercial - General (Ord. 848-98 adopted October 27, 1998). The property was purchased in 1950 by Percy and Gloria Taylor and used as their primary residence until their passing.

All the properties along this section of Glenview Drive have been converted to commercial businesses. The City's Development Review Committee (DRC) has reviewed the request and does not recommend a residential use for this property, though it would meet the requirements of a single-family residence in the Mixed Use zoning district.

The Planning and Zoning Commission considered the Specific Use Permit request at their April 15, 2021 meeting. Members of the Commission expressed some concern about the residential use amidst all the commercial uses, but recommended approval 5-0 based on the historical use of the property.

Sherry Leavitt, the applicant spoke regarding her request to use the property as a single-family rental home and answered questions from the Council. Sherry Leavitt stated the home has been occupied for 71 years and that she has been pay the water bill since 2018.

Candice Edmondson, City Manager stated that the City has information dating back from July of 2018 and there are several months where there is no water usage.

Betsy Elam, City Attorney explained that the Zoning Administrator has made a determination that Sherry Leavitt has lost her non-conforming use status because records were apparent that the residence was not used continuously. What is before this Council,

is approving an SUP in a Mixed Use district and one of the options is an SUP to permit a residential use. She explained the applicants appeal process if the SUP is denied.

Mayor Lopez opened the Public Hearing: Time: 9:09 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 9:10 p.m.

Motion: Motion was made by Councilmember Bergthold and seconded by Councilmember Knowlton to deny Ordinance 1431-21 a Specific Use Permit (SUP 2021-0202) for a Single-Family Residence for the property described as Lot 3, Block 3 Willman Addition, City of Fort Worth, Tarrant County, Texas otherwise known as 7285 Glenview Drive, Richland Hills, Texas 76180.

Motion carried by a vote of 5-0.

3D. Consider Ordinance 1432-21 a Specific Use Permit (SUP 2021-0222) for Miscellaneous Hazardous Industrial Use for the property described as Lot 3, Block 2-R-1, Richland Gardens Addition, an addition to the City of Richland Hills, Tarrant County, Texas otherwise known as 7020 Midway Road, Richland Hills, Texas 76118 PUBLIC HEARING

*Moved up in the agenda to follow item 2A.

3E. Consider Ordinance 1433-21 a zoning change on property described as being a portion of Lot 7, Block 97, Richland Hills Addition, Tarrant County, Texas otherwise known as 3401 Booth Calloway Road, Richland Hills, Texas 76118. Current Zoning: Single-Family Residential (SF-7). Requested Zoning: Light Commercial (LC) PUBLIC HEARING

Candice Edmondson, City Manager presented Ordinance 1433-21 a zoning change on property described as being a portion of Lot 7, Block 97, Richland Hills Addition, Tarrant County, Texas otherwise known as 3401 Booth Calloway Road, Richland Hills, Texas 76118. Current Zoning: Single-Family Residential (SF-7). Requested Zoning: Light Commercial (LC).

The property at 3401 Booth Calloway Road is a 3,294 square foot building on 0.30 acres zoned Single-Family Residential (SF-7). The property is currently owned by MZLS Enterprises LP.

The applicant in this case, Masoud Shaygan, has owned the property since March 2015. When he purchased the property, it was a commercial property occupied by an insurance business. The insurance business is no longer occupying the building; and therefore, Mr. Shaygan is requesting a zoning change to Light Commercial (LC) in order to continue the commercial designation.

Prior to adoption of the City's current Comprehensive Zoning Plan in May 2014, the property at 3401 Booth Calloway Road was zoned Commercial – Restricted (C-1). The Tarrant Appraisal District lists the state code as OFCLowRise, which indicates a low-rise office designation.

The properties south of 3401 Booth Calloway Road along Baker Boulevard are zoned Light Commercial. The property just east across Booth Calloway Road is within the Hurst city limits and zoned Outdoor Commercial (OC). The other Hurst properties north along Booth Calloway are zoned residential.

The properties north and west of 3401 Booth Calloway are also zoned Single-Family Residential (SF-7). The Future Land Use Plan shows the property developing as low density residential. The requested change is not consistent with the City's Comprehensive Land Use Plan.

The Planning and Zoning Commission considered the zoning change request at their April 15, 2021 meeting. The Commission did not feel that the Light Commercial designation was appropriate for the property or area and requested the applicant consider a zoning change to Mixed Use instead. The applicant was agreeable to the change and the Commission recommended approval 5-0 for a zoning change from Single-Family Residential (SF-7) to Mixed Use (MX).

Masoud Shaygan, the applicant spoke regarding his zoning change request and answered questions from Council.

Mayor Lopez opened the Public Hearing: Time: 9:20 p.m.

Mayor Lopez read emailed comments from David Barnett, 7624 Bridges Avenue who opposes rezoning as Mixed Use and requested the Council approve the rezoning of the property as Professional Office.

Kelle Jones, Planning & Zoning member spoke regarding previous Day Care uses by SUP approved in the same type of zoning.

Stacy Reddy, 7012 Hardisty spoke in favor of Mixed Use or Perfectional zoning.

Mayor Lopez closed the Public Hearing: Time: 9:37 p.m.

Motion: Motion was made by Councilmember Campbell and seconded by Councilmember Morse to approve Ordinance 1433-21 a zoning change on property described as being a portion of Lot 7, Block 97, Richland Hills Addition, Tarrant County, Texas otherwise known as 3401 Booth Calloway Road, Richland Hills, Texas 76118 from Single-Family Residential (SF-7) to Mixed Use (MX).

Motion carried by a vote of 5-0.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. None

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5A. None

OTHER ITEMS FOR CONSIDERATION

6A. None

REPORTS & DISCUSSIONS

7A. Fire Station Project Update

No update presented.

7B. Police Station Project Update

Scott Russell, Police Captain provided a construction update on the Police Station Project.

Current Progress

- Punch List Completed with minor repairs
- Exterior Painting to be completed this week
- Landscaping repairs will be completed along with FD project
- Furniture installed today and tomorrow for completion
- Preliminary date of May 17, 2021 for building turn-over and move in!

Project Funds Paid

- \$35,982.43 on 11-16-2020
- \$36,835.82 on 12-14-2020
- \$145,334.65 on 01-25-2021
- \$95,152.46 on 02-08-2021
- \$102,766.97 on 03-22-2021
- \$90,946.07 on 04-15-2021

7C. Animal Services Center Improvements

Scott Russell, Police Captain provided an update on the Animal Services Center improvements. The presentation included before and after pictures of improvements to the kitchen, sally port and animal services room.

Future Projects

- Fiscal Year 2021-2022
 - Interior Improvements: painting updates, replacing doors, wall repairs, updates to desk area, security improvements and sealing of concrete.
 - Lobby Ceiling: due to the height of the current lobby ceiling, it creates for sound to travel and become bothersome to visitors and staff. There are also issues with proper lighting in the lobby area. The plan during the interior improvements is to install a drop ceiling with LED can lights in a portion of the lobby that would alleviate the sound and lighting issue.
- Future Fiscal Years
 - Retaining Wall/Dumpster Pad/Drainage: installation of a retaining wall on the west side of the lot to keep drainage from running downhill to the shelter causing additional erosion issues. The concrete dumpster pad will help maintain the rolling dumpster to prevent staff from moving the rolling dumpster. The perforated drain would be to keep debris out of the new drainage line near the retaining wall.
 - Monument Sign: electronic message screen with stone masonry

7D. Hike and Bike Trail Project Update

No update presented.

7E. Street Improvement Projects Update

Scott Mitchell, Neighborhood Services provided an update on Street Improvement Projects.

7F. March Department Reports

No discussion

8. COMMUNITY INTEREST ITEMS

- Link Membership Sale – Now through May 15th
- Senior Lunch Bunch Curbside – Thursday, May 13th – 12 noon – 1:00 p.m.
- Tarrant County Food Pantry – Thursday, May 13th – 5:30 p.m. – 7:00 p.m. The Link Parking Lot
- May General Election – Last day of Early Voting is April 27th and Election Day is May 1st 7:00 a.m. – 7:00 p.m.
- Hike and Bike Trail – Still under construction and could be dangerous. Asking everyone to be patient until the trail is fully complete before using.

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

- 10. A motion was made by Councilmember Knowlton and seconded by Councilmember Morse 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 9:50 p.m.

ATTEST

APPROVED

Cathy Bourg, City Secretary

Edward Lopez, Mayor