

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
MAY 10, 2021
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are 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, May 10th. Your comment will be read aloud during Item 1D *Citizen Appearances/Public Comments*.

Some members of the City Council may be unable to attend and will be participating by video conference or phone. 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 872 5162 8645 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 872 5162 8645 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.

Like all City Council meetings, the Work Session and Regular Session will be broadcast live over the City of Richland Hills website for those who wish to watch from home.

CITY COUNCIL WORK SESSION – 6:30 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.
2. Discuss items and presentations listed on tonight's City Council Agenda.

REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

- A. Recognition of outgoing Councilmember Athena Campbell
- B. Presentation of National Emergency Medical Services Week Proclamation
- C. Presentation of Professional Municipal Clerks Week Proclamation
- D. 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.

2. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the consent agenda items, unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Approve minutes from the April 26, 2021 City Council Regular Meeting
- B. Approve Ordinance 1421-20A amending Article III "Food Service Establishments" of Chapter 18 "Businesses" amending section numbering of Division 2 – Mobile Food Vendors Operation Permit

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. Consider Ordinance 1407-20A adopting the 2021 Standards of Care for youth programs provided by The Link Event & Recreation Center
PUBLIC HEARING
- B. Consider Ordinance 1434-21 a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland

Hills by amending Article 3 to allow for Boarding Houses to be an authorized use by right within specified zoning districts and by way of a Specific Use Permit in other specified zoning districts, to establish development standards for Boarding Houses, and to amend Article 8 to add a definition of Boarding House and amend the definition of Single Family **PUBLIC HEARING**

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

A. None

5. CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

A. None

6. OTHER ITEMS FOR CONSIDERATION

A. None

7. REPORTS & DISCUSSIONS

A. Code Enforcement Procedures

8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that “*a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed.*” The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and
- announcements involving imminent public health and safety threats to the city

9. EXECUTIVE SESSION

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. **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.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

10. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the **6th day of May 2021 by 5:30 p.m.,** on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.



Cathy Bourg

Cathy Bourg
City Secretary

ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements at the meeting, please notify the City Secretary 48 hours in advance of the meeting so that reasonable accommodations can be made. City of Richland Hills (817) 616-3810.

EXECUTIVE SESSION: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, executive session may be held under one or more of Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 413.183 (f) and 418.106 (d) & (e), either at the end of the Regular Session or at any time during the meeting on any item

on the agenda if a need arises for the City Council to seek advice from the City Attorney or otherwise convene in closed session as permitted by such sections of the Open Meetings Act. The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session. Please refer to agenda for the items posted. The sections referenced above are generally described as follows:

Section 551.071: Consultation with Attorney

The City Council may conduct a private consultation with its attorney when the City Council seeks the advice of its attorney concerning any item on this agenda, about pending and contemplated litigation, or a settlement offer, or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.

1. Executive Session Procedures

Section 551.072: Deliberation regarding real property

The City Council may conduct a closed meeting to deliberate the purchase, exchange, lease or value of real property.

Section 551.073: Deliberation regarding Prospective Gift or Donation

The City Council may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the City.

Section 551.074: Deliberation regarding Personnel Matters

The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officers, including the City Manager, City Secretary, City Attorney, Municipal Judge, and non-advisory city boards and commission members. A complete list of the city boards and commissions and the membership of those boards and commissions is on file in the City Secretary's Office.

Section 551.076: Deliberation regarding Security Devices

The City Council may deliberate the deployment, or specific occasions for implementation of security personnel or devices.

Section 551.087: Deliberation regarding Economic Development Negotiations

The City Council may discuss or deliberate regarding commercial or financial information received from a business prospect that the city seeks to have locate, stay or expand in or near the city and which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect; particularly, discussion with economic development specialist regarding potential economic incentive agreement for development of real property.

Section 418.183(f): Texas Disaster Act

The City Council may deliberate information: (1) for purposes of preventing, investigating, or responding to an act of terrorism or related criminal activity and involving emergency response providers, their staffing, contact information and tactical plans; (2) that relates to the risk or vulnerability of persons or property, including infrastructure, to an act of terrorism; (3) that relates to the assembly of an explosive weapon, the location of a

material that may be used in a chemical, biological or radioactive weapon, or unpublished information pertaining to vaccines or devices to detect biological agents or toxins; (4) that relates to details of the encryption codes or security keys for a public communication system; (5) that relates to a terrorism-related report to an agency of the United States; (6) that relates to technical details of particular vulnerabilities of critical infrastructure to an act of terrorism; (7) that relates to information regarding security measures or security systems intended to protect public and private property from an act of terrorism; or (8) any other topic subject to discussion in closed session pursuant to the Texas Disaster Act.

Section 418.106(d) & (e): Local Meetings to Discuss Emergency Management Plans regarding Pipeline Safety

The City Council may discuss emergency management plans providing for disaster mitigation, preparedness, response and recovery in executive session when those plans contain sensitive information relating to critical infrastructure or facilities, and the safety or security of the infrastructures or facilities could be jeopardized by disclosure of the emergency management plan.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: May 10, 2021

Subject: Recognition of Athena Campbell

Agenda Item:

Recognition of outgoing Councilmember Athena Campbell

Background Information:

Mayor Lopez and the Richland Hills City Council will recognize the contributions and service of outgoing Councilmember Athena Campbell.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Cathy Bourg, City Secretary

Date: May 10, 2021

Subject: National Emergency Medical Services Week Proclamation

Agenda Item:

Presentation of National Emergency Medical Services Week Proclamation

Background Information:

May 16-22, 2021 is the 46th Annual National EMS Week. In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities. This year's theme is This Is EMS: *Caring for Our Communities*.

In recognition of "National Emergency Medical Services Week", Mayor Lopez will present a Proclamation to the Richland Hills Fire Department.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

National Emergency Medical Services Week Proclamation

Council Action Requested:

Presentation of National Emergency Medical Services Week Proclamation



PROCLAMATION

National Emergency Medical Services Week

Whereas, emergency medical services is a vital public service; and

Whereas, the members of Richland Hills Fire Rescue provide lifesaving care to those in need 24 hours a day, 7 days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the emergency medical service system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, dispatchers; and

Whereas, the members of the Richland Hills Fire Rescue engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating an Emergency Medical Services Week.

Now, therefore, I, Edward Lopez, Mayor of Richland Hills, do hereby proclaim the week of May 16th through 22nd, 2021 as EMERGENCY MEDICAL SERVICES WEEK.

Let it be further proclaimed, that this year's theme is "This Is EMS: Caring For Our Communities" and that I encourage the community to recognize the extraordinary contributions and heroism of our local emergency medical services providers through taking part in appropriate programs and activities.

Dated this 10th day of May 2021.

Edward Lopez, Mayor

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: May 10, 2021

Subject: Professional Municipal Clerks Week Proclamation

Agenda Item:

Presentation of Professional Municipal Clerks Week Proclamation

Background Information:

May 2 through May 8, 2021 is the 52nd Annual Professional Municipal Clerks Week. Initiated in 1969 by IIMC and endorsed by all of its members throughout the United States, Canada and 15 other countries, the week is a time of celebration and reflection on the importance of the Clerk's office. In 1984, President Ronald Reagan signed a proclamation that officially declared Municipal Clerks Week the first full week of May. In 1994 and 1996, President Bill Clinton also signed proclamations confirming Municipal Clerks Week.

In recognition of "Professional Municipal Clerks Week", Mayor Lopez will present a Proclamation to City Secretary, Cathy Bourg.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Professional Municipal Clerks Week Proclamation

Council Action Requested:

Presentation of Professional Municipal Clerks Week Proclamation



PROCLAMATION

Professional Municipal Clerks Week

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and the community; and

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of their esteemed office through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Now, therefore, I Edward Lopez, Mayor of the City of Richland Hills, do hereby proclaim the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 10th day of May 2021.

Edward Lopez, Mayor

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Cathy Bourg, City Secretary

Date: May 10, 2021

Subject: Minutes from the April 26, 2021 Regular City Council Meeting

Agenda Item:

Approval of minutes from the April 26, 2021 City Council Regular Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

April 26, 2021 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the April 26, 2021 Regular City Council meeting

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

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: May 10, 2021

Subject: Ordinance 1421-20A Amending Section Numbering for Mobile Food Vendors
Operation Permit

Agenda Item:

Approve Ordinance 1421-20A amending Article III “Food Service Establishments” of Chapter 18 “Businesses” amending section numbering of Division 2 – Mobile Food Vendors Operation Permit **PUBLIC HEARING**

Background Information:

On December 14, 2020 City Council approved Ordinance 1421-20 to add regulations for Mobile Food Vendors to the City Code of Ordinances. The section numbering under Division 2 – Mobile Food Vendors Operation Permit was not consistent with the rest of the City Code of Ordinances. Ordinance 1421-20A amends the section numbering so that it is now consistent. This is the only change being made to the original ordinance.

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the Ordinance

Board/Citizen Input:

City Council approved Ordinance 1421-20 on December 14, 2020

Attachments:

Ordinance 1421-20

Ordinance 1421-20A

Council Action Requested:

Motion to approve Ordinance 1421-20A amending Article III “Food Service Establishments” of Chapter 18 “Businesses” amending section numbering of Division 2 – Mobile Food Vendors Operation Permit

ORDINANCE NO. 1421-20

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING ARTICLE III "FOOD SERVICE ESTABLISHMENTS" OF CHAPTER 18 "BUSINESSES" TO ADD REGULATIONS FOR MOBILE FOOD VENDORS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Richland Hills City Council has determined that updating regulations for Mobile Food Vendors within the Code of Ordinances is required; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the citizens of the City of Richland Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1

Sections 18-73—18-170 of Division 2 "Texas Food Establishment Rules" Article III "Food Service Establishments" of Chapter 18 "Businesses" is hereby amended to read as follows:

"Secs. 18-73—18-100. – Reserved."

SECTION 2

Article III "Food Service Establishments" of Chapter 18 "Businesses" is hereby amended to add Division 2 to read as follows:

Division 2. – Mobile Food Vendors operation permit

Sec. 18-101. Permit Required. Except as part of a Food Truck Park, a Mobile Food Vendor must have written permission from the owner or the owner's authorized representative of a property containing a Mobile Food Vendor operation where a Mobile Food Vendor may be located from time to time. A Mobile Food Vendor must apply for a Mobile Food Vendor operation permit from the Community Development Department prior to operating a Mobile Food Vendor on said property. The permit application shall include information that details where the Mobile Food Vendor

will be located on the property along with the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the Mobile Food Vendor on and about the Mobile Food Vendor operation site. Additional information requested by the city, as may be deemed necessary by the City Manager, or his/her designee, to thoroughly review the application in unique circumstances shall also be submitted as part of the permit application.

- Sec. 18-102 All applications must be accompanied by payment of the permit fee listed in Appendix A, Fee Schedule, Richland Hills Code.
- Sec. 18-103 Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the electrical code as adopted by the city.
- Sec. 18-104 Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., seven days a week.
- Sec. 18-105 All signage pertaining to or advertising a Mobile Food Vendor and/or its menu shall be attached to the Mobile Food Vendor. There shall be no limit to the amount of signage that is allowed on a Mobile Food Vendor. The only temporary sign allowed is one (1) sandwich board sign per Mobile Food Vendor and shall be displayed within ten feet (10') of the Mobile Food Vendor.
- Sec. 18-106 A drive-through is not permitted in conjunction with the mobile food vendor.
- Sec. 18-107 Mobile Food Vendors shall not operate in required parking spaces, driveways, fire lanes, or public roads.
- Sec. 18-108 Sales of food from a stationary vehicle excludes catering trucks.
- Sec. 18-109 Mobile Food Vendors are prohibited in a temporary building.
- Sec. 18-110 A waste receptacle is required for every Mobile Food Vendor and waste shall be removed daily.
- Sec. 18-111 No more than two active Mobile Food Vendors may be permitted and operating on any single property at the same time.
- Sec. 18-112 Seasonal Mobile Food Vendors, including, but not limited to, snow cone trailers, must be currently operating to remain on the authorized property. No Mobile Food Vendors can be left on property if closed for the season.
- Sec. 18-113 A permit issued in accordance with this Division is only valid for one (1) calendar year.

Sec. 18-114 The regulations contained in this Division do not apply to a Mobile Food Vendor operating at a City organized event.

Sec. 18-115 A Mobile Food Vendor operating under a permit issued under this Division must also comply with all Tarrant County Health Department regulations applicable to Mobile Food Vendors, including but not limited to, when applicable, a Mobile Food Vendor must report to a Commissary as required.

Secs. 18-116—18-170. - Reserved

SECTION 3 PROVISIONS CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

SECTION 4 PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5 SAVINGS CLAUSE

That all rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the City's Mobile Food Vendor regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6 PENALTY

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense.

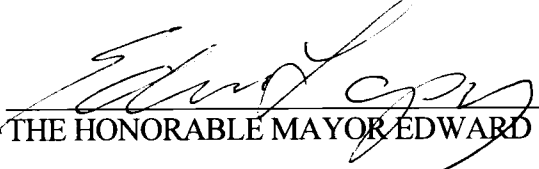
**SECTION 7
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this Ordinance to the extent required by law.

**SECTION 8
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 14TH DAY OF DECEMBER, 2020.



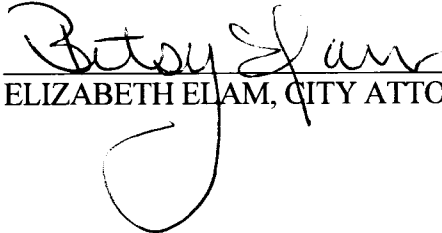
THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

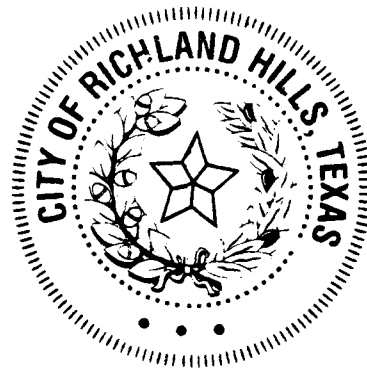


CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



ELIZABETH ELAM, CITY ATTORNEY



ORDINANCE NO. 1421-20A

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING ARTICLE III “FOOD SERVICE ESTABLISHMENTS” OF CHAPTER 18 “BUSINESSES” AMENDING SECTION NUMBERING OF DIVISION 2; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Richland Hills City Council has determined that updating regulations for Mobile Food Vendors within the Code of Ordinances is required; and

WHEREAS, Division 2. – Mobile Food Vendors operation permit, of Article III “Food Service Establishments” of Chapter 18 “Businesses” was originally enacted by Ord. No. 1421-20 with a section numbering format that was inconsistent with rest of the Code of Ordinances, City of Richland Hills, Texas; and

WHEREAS, the City Council desires to have the Division 2 – Mobile Food Vendors operation permit reformatted to be consistent with the rest of the Code of Ordinances, City of Richland Hills, Texas; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the citizens of the City of Richland Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1

Division 2, Article III “Food Service Establishments” of Chapter 18 “Businesses” is hereby amended to read as follows:

Division 2. – Mobile Food Vendors Operation Permit

Sec. 18-101. Mobile Food Vendors

- (a) Permit required. Except as part of a Food Truck Park, a Mobile Food Vendor must have written permission from the owner or the owner's authorized representative of a property containing a Mobile Food Vendor operation where a Mobile Food Vendor may be located from time to time. A Mobile Food Vendor must apply for

a Mobile Food Vendor operation permit from the Community Development Department prior to operating a Mobile Food Vendor on said property. The permit application shall include information that details where the Mobile Food Vendor will be located on the property along with the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the Mobile Food Vendor on and about the Mobile Food Vendor operation site. Additional information requested by the city, as may be deemed necessary by the City Manager, or his/her designee, to thoroughly review the application in unique circumstances shall also be submitted as part of the permit application.

- (b) All applications must be accompanied by payment of the permit fee listed in Appendix A, Fee Schedule, Richland Hills Code.
- (c) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the electrical code as adopted by the city.
- (d) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., seven days a week.
- (e) All signage pertaining to or advertising a Mobile Food Vendor and/or its menu shall be attached to the Mobile Food Vendor. There shall be no limit to the amount of signage that is allowed on a Mobile Food Vendor. The only temporary sign allowed is one (1) sandwich board sign per Mobile Food Vendor and shall be displayed within ten feet (10') of the Mobile Food Vendor.
- (f) A drive-through is not permitted in conjunction with the mobile food vendor.
- (g) Mobile Food Vendors shall not operate in required parking spaces, driveways, fire lanes, or public roads.
- (h) Sales of food from a stationary vehicle excludes catering trucks.
- (i) Mobile Food Vendors are prohibited in a temporary building.
- (j) A waste receptacle is required for every Mobile Food Vendor and waste shall be removed daily.
- (k) No more than two active Mobile Food Vendors may be permitted and operating on any single property at the same time.
- (l) Seasonal Mobile Food Vendors, including, but not limited to, snow cone trailers, must be currently operating to remain on the authorized property. No Mobile Food Vendors can be left on property if closed for the season.

- (m) A permit issued in accordance with this Division is only valid for one (1) calendar year.
- (n) The regulations contained in this Division do not apply to a Mobile Food Vendor operating at a City organized event.
- (o) A Mobile Food Vendor operating under a permit issued under this Division must also comply with all Tarrant County Health Department regulations applicable to Mobile Food Vendors, including but not limited to, when applicable, a Mobile Food Vendor must report to a Commissary as required.

Secs. 18-102—18-170. - Reserved

SECTION 2 PROVISIONS CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

SECTION 3 PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4 SAVINGS CLAUSE

That all rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the City's Mobile Food Vendor regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5
PENALTY**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense.

**SECTION 6
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this Ordinance to the extent required by law.

**SECTION 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2021.

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BESTY ELAM, CITY ATTORNEY

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Jason Brown, Director of Parks and Recreation

Date: May 10, 2021

Subject: Adoption of 2021 Standards of Care

Agenda Item:

Consider Ordinance 1407-20A adopting the 2021 Standards of Care for youth programs provided by The Link Event & Recreation Center **PUBLIC HEARING**

Background Information:

The Link will be offering youth programs for elementary aged children (5 years old – 12 years old) in the form of day camps and after-school programs. Texas Legislature requires municipal day camp programs for this age group to file for exemption (Section 42.041(b)(14) of the Child Care Standards and Regulations of the Texas Human Resource Code). The code reads, to receive exempt status, a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards. The public hearing and adoption of the ordinance may occur on the same day.

The Standards of Care will provide basic childcare regulations for day camp and after-school activities that are operated by the City of Richland Hills recreation staff, allowing the department to qualify for an exemption from the requirements of the Texas Child Care Standards and Regulations within the Texas Human Resources Code.

The City of Richland Hills day camp meets, and in some cases exceeds, many of the standards listed in the state's Child Care Standards and Regulations. All of the Standards of Care included in the Richland Hills policies are similar to what other municipalities currently use.

The Standards of Care will be provided to the parents of each participant and shall include, at a minimum:

- Minimum requirements for staffing ratios
- Staff qualifications and essential job functions
- Facility, health and safety standards
- Training and procedures for reporting child abuse/neglect allegations

- Written procedures stating that parents and each staff member will be provided a set of standards
- Contact information of program supervisors for the purpose of issuing a formal complaint and/or resolution regarding any program governed by the Standards of Care
- Written procedures for staff who will be monitoring the programs and enforcing the standards
- Requirement of criminal background checks on prospective day camp employees
- Service standards for communicating with parents and performance expectations of day camp employees
- Behavior management and discipline procedures
- General rules and regulations

The application for exemption determination and the formal adoption of the Standards of Care is an annual requirement, so that the Standards of Care can be revised as needed to reflect current regulations.

Financial Considerations:

Approval of the 2021 Standards of Care will require no additional funding.

Legal Review:

The City Attorney has previously reviewed the Standards of Care

Board/Citizen Input:

N/A

Attachments:

Ordinance 1407-20A
2021 Standards of Care (changes highlighted)

Council Action Requested:

Motion to approve Ordinance 1407-20A adopting the 2021 Standards of Care for youth programs provided by The Link Event & Recreation Center

ORDINANCE NO. 1407-20A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ADOPTING THE 2021 STANDARDS OF CARE FOR YOUTH PROGRAMS PROVIDED AT THE LINK EVENT AND RECREATION CENTER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, The Link Event and Recreation Center will be offering youth programs in the form of day camps and after-school programs for children ages 5 years old to 12 years old; and

WHEREAS, state law requires that the City conduct a public hearing and adopt Standards of Care for the operation of the youth programs; and

WHEREAS, on May 10, 2021 the City properly posted and conducted a public hearing to receive public input on the adoption of the 2021 Standards of Care; and

WHEREAS, the City Council deems it appropriate to adopt Standards of Care which are in full compliance with the requirements of Chapter 42 of the Texas Human Resources Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:

SECTION 1

The Standards of Care attached hereto as Exhibit "A" and incorporated herein for all purposes are hereby adopted as the Standards of Care for the Link. Parents of each program participant shall be provided with a copy of the Standards of Care and be informed that the program is not licensed by the state. The City may not advertise the Link as a childcare facility.

SECTION 2

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4

That all rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the Code of Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5

The City Secretary of the City of Richland Hills is hereby directed to publish this Ordinance to the extent required by law.

SECTION 6

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS ____ DAY OF _____, 2021.

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY

Exhibit "A"

Standards of Care

City of Richland Hills – The Link – Event and Recreation Center

I. General Information / Administration

Purpose: To provide basic childcare regulations for activities operated by The Link – Event and Recreation Center in Richland Hills (The Link). This will allow The Link to qualify as exempt from requirements of the Texas Human Resources Code.

A. Organization:

1. The governing body of The Link is the Richland Hills' City Council.
2. Implementation of the Standards of Care (SOC) is the responsibility of the The Link Manager and staff.
3. The SOC will apply to several day camp programs which are conducted throughout the year by The Link. The SOC will also apply to the After-School programs that The Link will operate during the Birdville Independent School District (BISD), International Leadership of Texas (ILT), and IDEA Public School (IDEA) calendars.
4. The Link will have available, for public and staff, a current copy of the SOC upon request.

B. Implementation: The Link Manger, Recreation & **Childcare Coordinator**, and Summer Camp Director will be responsible for implementing the SOC.

Regulations apply these on-going programs:

Spring Break Camp
Summer Camp
Fall/Thanksgiving Camp
Winter Camp
1-Day Camps
After-school Program
Sport and Art Camps
Drop-In Childcare

Program Site: The Link, 6750 Baker Blvd., Richland Hills, TX 76118

C. Day Camp Objectives:

1. To provide children and youth with opportunity to experience a variety of recreational activities which include sports, games, arts and crafts, education, drama, special events, field trips, tournaments, etc.
2. To provide an encouraging atmosphere emphasizing positive development of physical skills, emotional growth and self-confidence.
3. To provide a safe environment; always promoting good health and welfare for all.
4. To teach children and youth how to spend their leisure time wisely; in an effort to meet the emotional, physical, and social needs of the child.

- D. Exemption Status:
Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed child care and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local police authorities.
- E. Standards of Care Review:
Standards will be reviewed annually and brought before the City Council for approval after a public hearing is held to pass an ordinance regarding section 42.041 (b) (14) of the Texas Human Resources Code. Childcare Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.
Any parent, visitor or staff may register a complaint by contacting The Link Manager at (817) 616-3738 or at The Link during program hours.

II. Staffing

- A. Recreation Manager – The Recreation Manager directs the children’s program staff and supervises the activities of participants in a day camp setting.
1. Essential Job Functions:
- a) Direct and supervise all counselors including hiring and training.
 - b) Complete and submit proper records including camp schedules, counselor work schedules, payroll, accident/incident reports and attendance.
 - c) Develop and train staff with an age appropriate camp curriculum (elementary ages) in accordance with the philosophy of the program.
 - d) Ensure staff is committed to following established guidelines, procedures and standards.
 - e) Maintain an orderly, clean and safe environment for the children while promoting a non-competitive program directed toward accentuating positive behaviors, physical development and emotional growth.
 - f) Develop a weekly schedule of activities.
 - g) Complete facility reservations and transportation needs for all camp activities.
 - h) Schedule, confirm, obtain and distribute payment for all field trips.
 - i) Maintain supplies, equipment and all necessary documentation for the operation of the camp.
 - j) Communicate to parents about camper’s progress and activities, when needed.
 - k) Conduct on-going program evaluations implementing approved recommendations as needed.
 - l) Provide reports to The Link Director on a weekly basis to monitor camp activities throughout the program.

2. Qualifications:
 - a) Bachelor's Degree in Education, Recreation or a similar area of study is preferred but not required.
 - b) A minimum of three years experience in Recreation or Education industries.
 - c) Requires a valid Texas DL with a good driving record over the last three years.
 - d) Must pass city criminal background check prior to working with children.
 - e) Must pass pre-employment drug screen and/or physical.
 - f) Must complete First Aid, CPR and AED training prior to camp.
 3. Requirements of Work:
 - a) Manager must complete all mandatory staff training prior to the start of camp if possible or within 6 months of hire. This training is to include, but not limited to departmental policies, The Link policy, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
 - b) Ability to be physically active and involved with children all day.
 - c) Ability to lift 55 pounds.
 - d) Knowledge of child development and age appropriate activities.
 - e) Advanced organizational and communication skills.
 - f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.
- B. Recreation & **Childcare Coordinator** and Summer Camp Director – responsible for the day-to-day operation of after school and day camp programs.
1. Essential Job Functions:
 - a) Directs and supervises the day camp program for children ages 5-12.
 - b) Leads and instructs all camp counselors. Plans, coordinates, and supervises programs, field trips, and activities of the day camp.
 - c) Works closely with the Recreation Manager to determine work procedures, help prepare work schedules, follow-up on accident/incident reports, and assist with discipline (staff or campers) and any other necessary assistance.
 - d) Serves as a resource person for camp counselors. Leads the camp counselors in facilitating appropriate behavior among campers and handling inappropriate behavior promptly. Provides direct supervision to campers at all times.
 - e) Maintains positive interpersonal relations among everyone involved in the summer camp program; including children, parents, Link staff, camp staff, Recreation Manager, and Parks & Recreation Director.
 - f) Acts as a role model for children ages 5-12, displays appropriate behavior, and creates a safe, inclusive environment for all campers and staff.
 - g) Monitors the use of recreation equipment and ensures it is used in a capacity that is used in accordance with its intended use.

- h) Ensures all equipment is returned to its original location and put back in an organized fashion when done using. Follows and enforces staff rules, policies, and procedures outlined in the Summer Camp staff handbook.
- i) Maintains positive public relations with parents and the general public at all times.
- j) Performs administrative duties such as maintaining records, incident reports, etc.
- k) Performs all other various duties assigned by Recreation Manager.

2. Qualifications:

- a) Bachelor's Degree in Education, Recreation or a similar area of study is preferred but not required.
- b) A minimum of three years experience in Recreation or Education industries.
- c) Requires a valid Texas DL with a good driving record over the last three years.
- d) Must pass city criminal background check prior to working with children.
- e) Must pass pre-employment drug screen and/or physical.
- f) Must complete First Aid, CPR and AED training prior to camp.

3. Requirements of Work:

- a) Coordinator and Summer Camp Director must complete all mandatory staff training prior to the start of camp if possible or within 6 months of hire. This training is to include, but not limited to departmental policies, The Link policy, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
- b) Ability to be physically active and involved with children all day.
- c) Ability to lift 55 pounds.
- d) Knowledge of child development and age appropriate activities.
- e) Advanced organizational and communication skills.
- f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.

C. Camp Leader and Attendant – The Camp Leaders and Attendants are responsible for direct leadership of youth 5-12 in a variety of activities including, but not limited to games, sports, crafts, special events and field trips. The Leaders and Attendants assist in planning and organizing camp schedules, activities, supplies, equipment, and is also responsible for cleanliness of the areas used by camp participants. The Leaders and Attendants are also responsible for completing necessary forms relating to attendance, check-in/check-out procedures, accidents, and incidents. Childcare Attendants will interact with children 6 months to 12 years old.

1. Essential Job Functions:

- a) Promote a non-competitive, positive, self-image enhancing environment for each participant through the direction of well designed activities.
- b) Directly lead activities using a method that will provide opportunity for the involvement of all children on an equal level.
- c) Exhibit enthusiasm for the activity to impart a feeling of excitement to all camp participants.

- d) Follow procedures for camper check-in/check-out. Reporting accidents, incidents, behavioral modifications and camp schedules.
 - e) Follow guidelines for safety and storage of equipment, including inventory of supplies.
 - f) Ensure safety of all children and staff during transportation while on field trips.
 - g) Provide and adhere to established guidelines set forth for the safety, behavior, communication and discipline of the camp participants.
 - h) Recognize and reward positive, improved and outstanding behavior and/or accomplishments of participants.
2. Minimum Qualifications:
- a) High School diploma and some college preferred.
 - b) One year of formal experience working with children preferred.
 - c) Requires a valid Texas DL with a good driving record over the last three years.
 - d) Must pass city criminal background check prior to working with children.
 - e) Must pass pre-employment drug screen and/or physical.
 - f) Must complete First Aid, CPR and AED training prior to camp.
3. Other Requirements:
- a) Leaders and Attendants must complete all mandatory staff training prior to the start of camp if possible or within a month of hire depending on the availability of each training topic. This training is to include, but not limited to departmental policies, The Link policy, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
 - b) Staff must exhibit competency, good judgment and self-control throughout the duration of the camp.
 - c) Staff should relate to the children with courtesy, respect, acceptance and patience.
 - d) Staff will be evaluated at least once per year by the Link Director and Manager. Evaluations will be reviewed to discuss any areas of improvement or suggestions.
4. Staffing Ratios: The state required ratio for number of children (5-13) may not exceed 15:1 children to staff. The Link staff ratio will work to have a ratio no greater than 12:1. For field trips and off-site swimming, the ratio will be closer to 10:1.

III. Facility Standards

- A. Emergency evacuation and relocation plans will be posted at The Link. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns will be passed on the Recreation & **Childcare Coordinator** or The Link Manager.

- B. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Recreation Coordinator or “Lead” Attendant. It shall include bandages and/or Band-Aids, rubber gloves, alcohol wipes, hot/cold packs, gauze, tweezers and scissors.
- C. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location. Program sites will be inspected by the Fire Marshall annually. The Link Manager is responsible for compliance with the Fire Marshall’s directives. The recommended number of fire extinguishers shall be inspected quarterly available and “primed” for use. Fire drills should be conducted once a month during the summer camp.
- D. Medication will only be administered with a parent consent form completed in addition to the program registration form. Prescription medications shall be left in the administration’s locked cabinet, in their original container, labeled with the child’s name, date, directions and the child’s physician’s name. Two staff members will be present while medication is given. Medication can only be dispensed only as stated on the bottle unless stated in written form.
- E. **Two staff members will be present while medication is given.** All medications will be recorded on the parent consent form.
- F. The Link will have adequate indoor toilets and lavatories located such that children can use them independently and program staff can supervise as needed. There shall be one flush toilet per 30 participants. Sinks will also be at 1 sink to 30 children. It is expected that all camp and afterschool participants will be potty trained. Our staff will not be able to help change children that have had an accident.
- G. All participants must wear tennis shoes daily. Sandals, slip-ons, slippers, or flip-flips will not be allowed, except with appropriate field trips, like swimming.

IV. Service Standards – Camp Staff

- A. This information will be provided to each staff member as a part of the program manual:
 - 1. Appropriate clothing will be worn at all times. City or program shirt will be worn with finger-tip or longer length shorts. Shorts or pants worn should not be form fitting. The only exemption will be bathing suits. Any clothing worn should not have any inappropriate logos, pictures, or messages
 - 2. Staff will be provided at least two city or program shirts to wear as a uniform top. If a staff member needs to go home to change, it will be without pay.
 - 3. Females will wear one-piece suits while working with the camp or other city programs. Males will wear board shorts that are not form fitting.
 - 4. Name tags/IDs will be worn on the uniform shirt at all times.
 - 5. Participants and parents will be treated with respect at all times.

6. Program staff will take it upon themselves to resolve complaints. Do not refer customer to another staff member outside of camp staff. Elevate to "Lead" attendant if necessary. Beyond that, take a name and phone number for fulltime staff to contact later. All issues, problems, and complaints should be recorded in the Camp Comment Log, along with the resolution.
7. Camp staff will keep parents informed of daily activities. General weekly schedule will be available to parents the week before. Daily schedules will be visible each day.
8. Camp staff will monitor the check-in/check-out log at all times.
9. Camp staff will keep each activity area clean and tidy. Cleaning includes floors, walls, furniture, with supplies put away after use.
10. Camp staff will be involved with participants and parents most of the time. Staff will need to check in with the front desk and fulltime staff for updates and messages.

V. Operational Issues

- A. Emergency phone numbers are kept at The Link's front desk, as well as with the camp binder on all field trips.
- B. The Camp Manual is provided to every staff member and outlines the following:
 1. Behavior Management and Discipline Procedures
 2. Rules and Regulations
 3. Forms
 4. Service Standards
 5. Game/Activity Leadership
 6. Guidelines for Communication with children and parents
- C. Check-in/Check-out forms will be used every day. Only adults listed on the camper's release form will be allowed to pick up participants. The authorized adults must enter the building and sign the check-out form in order for staff to release the child.
- D. Emergency evacuation and relocation plans will be posted at The Link.
- E. Transportation Requirements
A Texas state law for child safety seats: specifically booster seats, went into effect on September 1, 2009. This law applies to children under the age of eight and under four foot and nine inches tall. This law will apply to camp participants between the ages of five and seven years old.

The state law states:

- Once a child reaches eight years old, they are not legally required to be in a child safety seat system.
- If the child is younger than eight, but is already taller than four foot and 9 inches tall, that are not legally required to be in a child safety seat system.
- If the child is eight but shorter than the above height, they are not legally required to be in a child safety seat system.

- The law requires that safety and booster seats be installed and used according to the manufacturer's instructions, including age, height and weight requirements and the placement in the vehicle.

In compliance with this law, parents may be required to supply the appropriate booster seat for their child if they fit into the criteria above.

Camp staff will be trained to identify children that are required to be in a booster seat based on birth date. Additionally, staff will be trained by the Richland Hills Police Department on how to properly install a child safety seat.

- F. Parents will be notified of and given additional permission forms, if needed, for field trips. Enrollment information will be maintained on each vehicle while traveling to and from field trips sites.
- G. Enrollment information will be kept on each participant and shall include: Child's name, birth date, home address, guardian's phone number, back-up day-time phone numbers. The registration form will have the name and number of each individual authorized to check-out the participant. Additionally, the form will have signatures for waivers, field trip release, and travel authorization. Lastly, the medication consent will be kept in The Link's administration office.
- H. Staff will immediately notify parent or guardian when a participant is injured or has been involved in any situation that places the child at risk.
- I. The Recreation Manager or Coordinator will communicate with parents if a communicable disease or possible parasitic infestation as required by the County Department of Health.
- J. The children in camp and the afterschool program will be exposed to G and PG movies as well as E and E10 (specially Lego games) video games. We will not be able to manage whether an individual child sees or hears any part of one of these forms of entertainment. Movies watched could include those seen at The Link or during a field trip. Parents registering their child for Link programs are agreeing to allow their child(ren) to be a part of these entertainment opportunities.
- K. In some cases it may be necessary to evaluate if our programs are the right choice for your family. Completing a registration form is not a guarantee of admission to our program. In some cases, we will need to determine if our program is appropriate for your child. Our programs are not designed for therapeutic or one-on-one care or attention.

VI. Behavior Management and Discipline Procedures

- A. Program employees will implement discipline and guidance in a consistent manner based on an understanding of individual needs and development with the best interests of program participants in mind.
- B. There will be no harsh, cruel, or corporal punishment used as a method of discipline. Discipline will be focused on growth of the individual and encouraging improved behavior management.

- C. Program employees may use brief, supervised separation for the group if necessary. Children will be aware of all camp rules prior to the start of any activity. Their understanding of the rules is an integral part of behavior management. When negative behavior occurs, the participant will know there is a consequence for their chosen action.
- D. Incident reports will be filled out on any disciplinary cases and shared with parents when picking up the child (sooner if an extreme case). Parents will be asked to sign the incident report to indicate that they have been advised about specific problems and/or negative behaviors.
- E. A participant could be suspended based on an extreme case or an aggregated concern of poor behavior choices. If that happens, parents will be contacted immediately and asked to pick up their child.
- F. Immediate removal from the program can happen if a child displays physical harm or threatens another participant. If a participant is removed from the program for behavior issues, there will not be a refund for unused time.

VII. Illness or Injury

- A. Participants shall have and maintain immunizations in accordance with those required by the Texas Department of Health for public school attendance according to age.
- B. Parents shall be notified in cases of illness or injury. If the illness includes the threat of a communicable disease, that child will need to be picked up immediately.
- C. Programs are designed for well children. If a child is suspected of having a temperature and/or shows other signs or symptoms, that child will need to be removed from the program until they can be deemed well by physician. In the case that an injury cannot be remedied with basic first aid, staff shall notify paramedics.
- D. When an injury occurs, an incident report shall be filled out immediately after the incident and given to the Recreation Supervisor and/or Link Manager with a copy kept in the Camp files.
- E. In the event of expected abuse, program employees will immediately report a concern in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must also be reported to fulltime recreation staff. Staff will then notify the Police Department and any other appropriate agency as soon as possible.
- F. Texas state law requires that staff of children and youth programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

VIII. General Guidelines for Children

- A. As a part of the Camp Manual, parents will be given the following information:
1. A child is not allowed to use the phone unless it is deemed an emergency. In this case, staff should make the call for the child.
 2. Children must use furniture correctly, only sitting where designed and no standing on any furniture, counter, or game table.
 3. Running is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
 4. Bouncing or throwing balls is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
 5. Active games that could damage, furniture, fixtures, and equipment shall only be played in the appropriate areas.
 6. Children must always show respect toward staff and other participants.
 7. Children must always have on appropriate attire and athletic, non-marking shoes.
 8. Children will always be contained and separated from the general public, except for on field trips, park visits and when swimming. Then staff will be more diligent with their oversight, so as to know where each child is at all times.
- B. The program will provide activities for each group according to the participants' ages, interests, and abilities. The activities should be flexible and promote social and educational advancement.
1. A weekly calendar will be available to parents the week before each camp session starts
 2. While monitoring field trips, staff will;
 - a) Count everyone before leaving The Link and before returning back from the destination.
 - b) Carry all pertinent participant information including medical information.
 - c) Carry a first aid kit and mobile phone in each vehicle that is transporting participants.
 - d) Each participant will wear a Link wrist band on each field trip. The wrist band will have Link information in case a participant gets lost or loses visual contact with the rest of the group.

IX. Monitoring and Enforcement

- A. Standards of Care established by the City of Richland Hills will be monitored and enforced by City Departments responsible for their respective areas. Health and safety standards will be monitored and enforced by the City's Police, Fire, and Code Enforcement departments when applicable.

- B. Staff and program issues will be monitored and enforced by the Recreation Department staff. The Link Manager shall visit the program facilities on a bi-weekly basis. The Recreation Supervisor will be responsible for a visual inspection on a daily basis.
- C. Monthly reporting by The Link Manager will include a comprehensive review of all program details, as well as the operation summaries.

For further information regarding the Standards of Care or any other information about children and youth programs offered by The Link please contact the front desk at 817-616-3738.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: May 10, 2021

Subject: Ordinance 1434-21 Boarding House Zoning Text Amendment

Agenda Item:

Consider Ordinance 1434-21 a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for Boarding Houses to be an authorized use by right within specified zoning districts and by way of a Specific Use Permit in other specified zoning districts, to establish development standards for Boarding Houses, and to amend Article 8 to add a definition of Boarding House and amend the definition of Single Family **PUBLIC HEARING**

Background Information:

It was recently brought to the city's attention that boarding houses were being established within the city limits. At the request of City Council, staff worked with the City Attorney to develop requirements that would help guide the use of boarding houses within the Richland Hills community. The proposed zoning text amendments for boarding houses are detailed below.

Amendment 1

The first amendment to Article 3, Section 3.02 "Use Chart" would allow Boarding Houses as an authorized use in the MF-2 - Multiple-Family Residential Medium Density and MF-3 - Multiple-Family Residential High Density zoning districts and by way of a Specific Use Permit (SUP) in the SF-E – Single-Family Residential Estate, SF-10 – Single-Family Residential, and SF-7– Single Family-Residential and MF-1–Two-Family (Duplex) Residential zoning districts by designating the SUP requirement within the Use Chart.

	Residential						
	SF-E Single-Family Residential Estate	SF-10 Single- Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple- Family Residential Medium Density	MF-3 Multiple- Family Residential High Density	MH Manufactured Home (HUD Code)
Residential Uses							
Bed and Breakfast Inn	S	S	S				
Boarding House	S (21)	S (21)	S (21)	S (21)	P	P	
Caretaker's/Guard's Residence							
Garage Apartment	S (18)						
Guest House	S (19)	S (19)					
Live-Above Mixed Use							
Live/Work Units							
Manufactured Home (HUD Code)							P
Modular (Industrialized) Home	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Multifamily Residence					P	P	
Parish House or Parsonage	P	P	P	P	P	P	P
Senior Housing	S	S	S	S	S	S	S
Single-Family Residence, Detached	P	P	P	P	P	P	P
Townhome					P	P	
Two-Family Residence (Duplex)				P	P	P	

Amendment 2

The second amendment would add subsection (A)(21) under Article 3, Section 3.02.01 “Conditional Development Standards” providing certain requirements for Boarding Houses as listed below.

- “(21) *Boarding House*. In addition to any requirements or regulations outlined within the specific use permit, boarding houses shall be subject to the following development standards:
- (a) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such boarding house.
 - (b) No sign advertising a home occupation shall be placed on property where a boarding house is located.

- (c) One designated parking space must be provided on the premises for each sleeping unit. Tandem parking spaces are not permitted. A parking plan will be required with the Specific Use Permit request.
- (d) Register and receive annual inspections as outlined:
 - 1. All boarding houses shall be registered annually. If there is any change in occupancy of any sleeping unit longer than three weeks, registration shall be updated at that time.
 - 2. Inspections shall be required annually. It shall be the responsibility of the property owner to request and schedule an inspection at the time of annual registration.
 - 3. The fees for registration and required annual inspection for each boarding house are as shown in the city's fee schedule."

Amendment 3

The third amendment to Article 8, Section 8.01 "Defined Terms" amends the definition of "Family" and adds a definition for "Boarding House".

"Boarding House. A dwelling unit where sleeping units are let for a minimum of 28 days, with or without meals, and the dwelling is not occupied as a single-family dwelling. Occupants do not have exclusive access to kitchen and/or bathroom facilities and have limited or no access to non-common areas of the dwelling unit.

Family. One or more person related by blood, marriage, or adoption, or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit, but not a boarding house as defined by this code, and living as a single housekeeping unit."

Financial Considerations:

Approval of the zoning text amendments will require no additional funding from the city.

Legal Review:

The City Attorney has reviewed the Ordinance

Board/Citizen Input:

The Planning and Zoning Commission considered the boarding house zoning text amendments at their April 15, 2021 meeting. The Commission expanded the SUP requirement to include the MF-1 Two-Family (Duplex) Residential district and included a

minimum duration of 28 days to the definition of Boarding House. The Commission recommended approval 3-2.

Ordinance 1434-21 has been updated to reflect the Planning and Zoning Commission's recommendations.

Attachments:

Ordinance 1434-21

Council Action Requested:

Motion to approve Ordinance 1434-21 a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for Boarding Houses to be an authorized use by right within specified zoning districts and by way of a Specific Use Permit in other specified zoning districts, to establish development standards for Boarding Houses, and to amend Article 8 to add a definition of Boarding House and amend the definition of Single Family **PUBLIC HEARING**

ORDINANCE NO. 1434-21

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS; AMENDING ARTICLE 3 TO ALLOW FOR BOARDING HOUSES TO BE AN AUTHORIZED USE BY RIGHT WITHIN SPECIFIED ZONING DISTRICTS AND BY WAY OF A SPECIFIC USE PERMIT IN OTHER SPECIFIED ZONING DISTRICTS; BY ESTABLISHING DEVELOPMENT STANDARDS FOR BOARDING HOUSES; AMENDING ARTICLE 8 TO ADD A DEFINITION OF BOARDING HOUSE AND AMENDING THE DEFINITION OF FAMILY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on April 15, 2021 and thereafter by the City Council on May 10, 2021, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein; and

WHEREAS, the proposed change is consistent with the City's comprehensive land use plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS;

SECTION 1 ZONING TEXT AMENDMENT

THAT, Chapter 90, Article 3, Section 3.02 “Use Chart” is hereby amended to allow Boarding Houses as an authorized use in the MF-2 - Multiple-Family Residential Medium Density, and MF-3 - Multiple-Family Residential High Density zoning districts and by way of a Specific Use Permit (SUP) in the SF-E – Single-Family Residential Estate, SF-10 – Single-Family Residential, SF-7– Single Family-Residential, and MF-1 – Two-Family (Duplex) Residential zoning districts by designating the SUP requirement within the Use Chart with the “(21)” to correspond to conditional development standards listed in 3.02.01(A)(21) to read as follows:

	Residential							Nonresidential					Special	Parking
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	MX Mixed Use	Minimum Requirement (see Section 8(F) Parking Requirement Based on Use)
Residential														

Boarding House	S (21)	S (21)	S (21)	S (21)	P	P								1 space per sleeping unit. Tandem parking prohibited.

SECTION 2 ZONING TEXT AMENDMENT

Chapter 90, Article 3, Section 3.02.01 “Conditional Development Standards” is hereby amended to add subsection (A)(21) to read as follows:

“(21) *Boarding House*. In addition to any requirements or regulations outlined within the specific use permit, boarding houses shall be subject to the following development standards:

- (a) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such boarding house.
- (b) No sign advertising a home occupation shall be placed on property where a boarding house is located.
- (c) One designated parking space must be provided on the premises for each sleeping unit. Tandem parking spaces are not permitted. A parking plan will be required with the Specific Use Permit request.
- (d) Register and receive annual inspections as outlined:

1. All boarding houses shall be registered annually. If there is any change in occupancy of any sleeping unit longer than three weeks, registration shall be updated at that time.
2. Inspections shall be required annually. It shall be the responsibility of the property owner to request and schedule an inspection at the time of annual registration.
3. The fees for registration and required annual inspection for each boarding house are as shown in the city's fee schedule.”

SECTION 3 ZONING TEXT AMENDMENT

Chapter 90, Article 8, Section 8.01 “Defined Terms” is hereby amended to amend “Family” and add “Boarding House” to be inserted alphabetically and read as follows:

“Boarding House. A dwelling unit where sleeping units are let for a minimum of 28 days, with or without meals, and the dwelling is not occupied as a single-family dwelling. Occupants do not have exclusive access to kitchen and/or bathroom facilities and have limited or no access to non-common areas of the dwelling unit.

Family. One or more person related by blood, marriage, or adoption, or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit, but not a boarding house as defined by this code, and living as a single housekeeping unit.”

SECTION 4 ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING

The City Council finds that the changes to the zoning districts, boundaries, regulations and uses as herein established have been made in accordance with the City’s Zoning Code and Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to efficiently plan, control and organize development, lessen congestion in the streets, secure safety from fire, panic, flood and other dangers, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5 ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 6 PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

SECTION 7 SAVINGS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8 SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 9 PUBLICATION

The City Secretary of the City of Richland Hills is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause of this Ordinance as required by law.

SECTION 10
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2021.

EDWARD LOPEZ, THE HONORABLE MAYOR

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: May 10, 2021

Subject: Code Enforcement Procedures

Agenda Item:

Code Enforcement Procedures

Background Information:

Staff will provide a presentation on current Code Enforcement procedures

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action