

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
SEPTEMBER 13, 2021
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor

Stacey L. Morse, Place 2

Curtis A Bergthold, Mayor Pro Tem

Javier Alvarez, Place 4

G.W. Estep, Place 5

Council present via Zoom

Douglas Knowlton, Place 1

Staff present

Candice Edmondson, City Manager

Cathy Bourg, City Secretary

Fritz Quast, City Attorney

CITY COUNCIL WORK SESSION – 6:00 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). 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.**

None

2. **2021 Tarrant County Transportation Bond Program – Commission Gary Fickes**

Mayor Lopez introduced Commissioner Fickes and thanked him for all of his valued advice and help with projects over the years.

Commissioner Gary Fickes gave a presentation on the 2021 Proposed Tarrant County Transportation Bond Program. The Program goals are to reduce congestion and increase mobility; enhance safety and improve connectivity; no tax rate increase; and a broad range of projects and agency participation.

The Program (up to \$400 Million) will consist of the following three funding categories:

- Call for Projects (up to \$200 million) – 50% funding match required;
- Discretionary (up to \$75 million) – Funding match desired;

- Countywide Initiatives and Partnerships (up to \$125 million) – Funding match requirement determined on a case-by-case basis.

Tarrant County Bond Election Schedule:

- Early Voting – Monday, October 18, 2021 thru Friday, October 29, 2021
- Election Day – Tuesday, November 2, 2021

3. Richland Hills American Rescue Plan Funding

Candice Edmondson gave a presentation on the Richland Hills American Rescue Plan Funding.

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (H.R. 1319) into law. The \$1.9 trillion package is intended to combat the COVID-19 pandemic, including the public health and economic impacts. The Act provides \$362 Billion in state, local and fiscal recovery funds with \$19.53 Billion allocated to non-entitlement units of local government (NEUs) which generally have populations below 50,000. As required in the Act, the Treasury will allocate fiscal recovery funds for NEUs to the States, which are then required to distribute the funds to NEUs based on population within 30 days of receipt. The funds will be distributed in two tranches of payments roughly one year apart.

Richland Hills is set to receive \$1,970,642 in fiscal recovery funds. The City received its first payment in the amount of \$985,321 on August 23rd. Per the requirements of the Act, NEUs may use the funds for the following eligible purposes:

- To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- For the provision of government services to the extent of the reduction of revenue of such State, territory, or Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or tribal government prior to the emergency; or
- To make necessary investments in water, sewer, or broadband infrastructure.

City Manager Edmonson presented the following list of proposed projects and uses:

- Investments to improve and strengthen the city's water infrastructure
- Investments to improve and strengthen the city's water infrastructure
- Investments to expand broadband to city parks and facilities for public use

4. Discuss Items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

Patricia Albrecht, Director of Finance and Administration Services presented the following item:

2B. Review and affirm investment strategy of the City's Investment Policy

The Public Funds Investment Act, Government Code 2256, requires that public entities have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. There is a requirement in the Public Funds Investment Act, Government Code 2256.005 that the governing body review and affirm the investment strategy annually.

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

Invocation – Councilmember Knowlton

PRESENTATIONS

1A. Fire Department Bade Pinning Ceremony

Cathy Bourg, City Secretary administered the Oath of Office to Jaime Taylor, Firefighter/Paramedic.

1B. Employee Service Award

Mayor Lopez presented a 15-year Employee Service Award to Officer Joseph Batchelder, Professional Standards Unit and Firearms Training Coordinator.

1C. 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.

Gerald Page, 2915 Scruggs Park spoke regarding traffic related issues. (Old elementary school signage, stop sign on Pine Park and Ash, traffic light at Rufe Snow and Baker Blvd., repaving on 3200 block of Mimosa and Scruggs and lights on Baker Blvd.

Daniel Bennett, 408 Pemberton St., White Settlement spoke regarding Senator Jane Nelson's letter to the TAD Board of Directors dated April 30, 2020 and HB988.

CONSENT AGENDA

2A. Approve minutes from the August 23, 2021 City Council Regular Meeting

2B. Review and affirm investment strategy of the City's Investment Policy

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

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

3A. Consider approval and adoption of the Fiscal Year 2022 Crime Control and Prevention District Annual Budget PUBLIC HEARING

Candice Edmondson, City Manager presented the Fiscal Year 2022 Crime Control and Prevention District Annual Budget.

Mayor Lopez opened the Public Hearing: Time: 7:32 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 7:32 p.m.

Motion: Motion was made by Councilmember Morse and seconded by Councilmember Bergthold to approve the adoption of the Fiscal Year 2022 Crime Control and Prevention district Annual Budget.

Motion carried by a vote of 5-0.

3B. Consider Ordinance 1416-20A approving and adopting the Amended Fiscal Year 2021 Budget PUBLIC HEARING

Patricia Albrecht, Director of Finance and Administration Services presented Ordinance 1416-20A approving and adopting the Amended Fiscal Year 2021. On September 28, 2020 the City Council adopted the Fiscal Year 2020-2021 (FY 2021) budget for the City. During FY 2021, there were revenues and expenditures that necessitate revisions to the budget. The revisions include the receipt of the first disbursement to the City of the American Rescue Plan Act funds. The total revisions are as follows:

	<u>FY 2021 Adopted</u>	<u>FY 2021 Amended</u>	<u>% Change</u>
<u>Revenues</u>			
General Fund	\$7,141,493	\$8,481,276	19% increase
Debt Service Fund	\$914,227	\$966,560	6% increase
Utility Fund	\$4,040,826	\$4,655,893	15% increase
Drainage Fund	\$929,300	\$938,945	1% increase
Link Fund	\$478,020	\$527,153	10% increase
Special Revenue Funds	\$1,511,879	\$1,750,905	16% increase

Capital Funds	\$2,704,109	\$3,162,771	17% increase
<u>Richland Hills Dev. Corp.</u>	<u>\$770,536</u>	<u>\$889,355</u>	<u>15% increase</u>
Total Revenues	\$18,490,390	\$21,372,858	16% increase

	<u>FY 2021 Adopted</u>	<u>FY 2021 Amended</u>	<u>% Change</u>
<u>Expenditures</u>			
General Fund	\$7,471,418	\$7,404,660	-1% decrease
Debt Service Fund	\$928,546	\$909,665	2% decrease
Utility Fund	\$3,978,460	\$4,231,639	6% increase
Drainage Fund	\$929,704	\$865,341	7% decrease
Link Fund	\$482,204	\$527,153	9% increase
Special Revenue Funds	\$1,891,561	\$2,057,720	9% increase
Capital Funds	\$2,887,501	\$9,028,956	213% increase
<u>Richland Hills Dev. Corp.</u>	<u>\$805,143</u>	<u>\$772,795</u>	<u>4% decrease</u>
Total Expenditures	\$19,374,537	\$25,211,614	30% increase

Mayor Lopez opened the Public Hearing: Time: 8:03 p.m.

None

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

Motion: Motion was made by Councilmember Bergthold and seconded by Councilmember Morse to approve Ordinance 1416-20A approving and adopting the Amended Fiscal Year 2021.

Motion carried by a vote of 5-0.

3C. Fiscal Year 2022 Tax Rate PUBLIC HEARING

Patricia Albrecht, Director of Finance and Administration Services presented the Fiscal Year 2022 Tax Rate. At the August 9, 2021 Council workshop, the City Manager presented the proposed FY 2022 General Fund Budget to Council that included a proposed ad valorem tax rate of \$0.558551 per hundred dollars of valuation. Additionally, Council approved the FY 2022 /Tax Year 2021 Certified Tax Roll and reviewed the 2021 Tax Rate Calculation Worksheet. Per the attached 2021 Tax Rate Calculation Worksheet, the calculated No-New-Revenue Rate (formerly known as the Effective Tax Rate) is \$0.538885/\$100.

As the proposed tax rate is \$0.558551 and greater than the No-New-Revenue Rate of \$0.538885, a public hearing is required prior to tax rate adoption for the public to provide input on the proposed tax rate. This agenda item provides for the required public hearing. Another public hearing will be held on September 27, 2021 with adoption of the proposed tax rate immediately following.

The proposed FY 2022 ad valorem tax rate is the same tax rate as the current FY 2021 and previous FY 2020 ad valorem tax rate of \$0.558551 per hundred dollars of valuation. The FY 2022 allocation of the tax rate is \$0.413294 for Operations and Maintenance that

funds General Fund operations and \$0.145257 for Interest and Sinking that funds debt service payments for a total ad valorem tax rate of \$0.558551.

Mayor Lopez opened the Public Hearing: Time: 8:08 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 8:09 p.m.

3D. Fiscal Year 2022 Annual Budget and Multi-Year Capital Improvement Program PUBLIC HEARING

Candice Edmondson, City Manager presented the Fiscal Year 2022 Annual Budget and Multi-Year Capital Improvement Program. Budget work sessions were held during City Council meetings on August 9th and August 23rd. This is the first public hearing for the FY 2022 Annual Budget and the second public hearing and City Council consideration of approval and adoption of the FY 2022 Annual Budget will be held on September 27, 2021.

The proposed FY 2022 Annual Budget includes proposed revenues of \$19,822,561 and total expenditures of \$20,156,717 which is a 4% increase over the FY 2021 Adopted Budget expenditures. The budget is based off a recommended tax rate of \$0.558551 which is the same tax rate as the previous two years.

Mayor Lopez opened the Public Hearing: Time: 8:20 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 8:21 p.m.

3E. Consider Ordinance 1434-21A amending 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 amending Chapter 91, Article V to establish development standards for Boarding Houses PUBLIC HEARING

Candice Edmondson, City Manager presented Ordinance 1434-21A amending 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 amending Chapter 91, Article V to establish development standards for Boarding Houses. The proposed zoning text amendments 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 removing the allowance 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)

Amendment 2

The second amendment would delete subsection (A)(21) under Article 3, Section 3.02.01 "Conditional Development Standards".

Amendment 3

The third amendment adds Chapter 91, Article V, "Residential Development Ordinance," is hereby amended by adding Section 91-502, "Boarding House Development Regulations" to read as follows.

"Sec. 91-502. – Boarding House development regulations.

- (a) This section shall apply to all boarding houses within the City.
- (b) 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.
- (c) No sign advertising a home occupation shall be placed on property where a boarding house is located.
- (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.
- (e) Parking
 - (1) A parking site plan shall be included with the initial registration application.
 - (2) The parking site plan shall comply with all applicable parking requirements for multi-family use districts as outlined in Section 91-501. Additionally, one designated parking space must be provided on the premises for each sleeping unit. Tandem parking spaces are not permitted. Waivers may be applied for and granted in accordance with Section 91-501(e).
- (f) The owner of a boarding house shall obtain and maintain rental property insurance or landlord insurance at all times. Proof of insurance shall be provided during annual registration."

Mayor Lopez opened the Public Hearing: Time: 8:36 p.m.

None

Mayor Lopez closed the Public Hearing: Time: 8:37 p.m.

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Morse to approve Ordinance 1434-21A amending 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 amending Chapter 91, Article V to establish development standards for Boarding Houses.

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. Consider approval of Mental Health Leave Policy

Candice Edmondson presented the City's proposed Mental Health Leave Policy.

During the 87th Legislative Session, the Texas State Legislature passed Senate Bill 1359 related to the use of mental health leave by peace officers. The Bill took effect on September 1, 2021 and requires that "each law enforcement agency shall develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment." The City of Richland Hills has chosen to extend the mental health leave benefit to fire fighters as well. Once approved, the policy will be incorporated into the City's Employee Handbook.

Police Chief Kim Sylvester answered questions from the Council.

Motion: Motion was made by Councilmember Morse and seconded by Councilmember Bergthold to approve Mental Health Leave Policy.

Motion carried by a vote of 5-0.

6B. Consider approval of Paid Quarantine Leave Policy

Candice Edmondson presented the City's proposed Paid Quarantine Leave Policy.

During the 87th Legislative Session, the Texas State Legislature passed House Bill 2073 related to paid quarantine leave for first responders. The Bill took effect on June 15, 2021 and requires that “the governing body of a political subdivision shall develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.” Once approved, the policy will be incorporated into the City’s Employee Handbook.

Fire Chief Russell Shelley and Police Chief Kim Sylvester answered questions from the Council.

Motion: Motion was made by Councilmember Estep and seconded by Councilmember Bergthold to approve Paid Quarantine Leave Policy.

Motion carried by a vote of 5-0.

REPORTS & DISCUSSIONS

7A. Library Summer Reading Club Recap

Chantele Hancock, Library Director provided a recap of the Library Summer Reading Club. This year’s theme was “Tales and Tails” and there were 113 registered participants. The program events included a Drive-Thru Summer Reading Kick-Off; Storytime; Boitumelo World Music; Richland Hills Literary Society; Red, White and You; Nailed it! Baking Challenge; Taikodelic Japanese Drummers and the End of Summer Reading Event.

7B. Fiesta De Herencia Event Update

Jason Brown, Director of Parks and Recreation gave an update on the Fiesta De Herencia Event this Saturday, September 18th from 4:00 p.m. to 9:00 p.m. in The Link Plaza. This will be the City’s first ever Hispanic Heritage Event to celebrate Hispanic Heritage Month which is September 15th through October 15th. Event attractions will include a mechanical bull, bounce houses, entertainment with live bands and a DJ, a variety of Hispanic food vendors and other activities for those of all ages to enjoy.

7C. Discuss proposed revisions to Chapter 70, Article IV. – Parks and Recreation Areas of the City Code of Ordinances

Jason Brown, Director of Parks and Recreation presented proposed revisions to Chapter 70, Article IV. – Parks and Recreation Areas of the City Code of Ordinances. There is a need to update the Code of Ordinances to reflect the new park amenities and include operational hours. Staff’s goals for the updates are to mitigate risk, increase safety, and increase amenity longevity. Jason highlighted some of the proposed revisions which included operational hours, athletic gatherings, no swimming or wading in natural water ways, environmental disturbances and activities needing a permit.

8. COMMUNITY INTEREST ITEMS

- Fiesta de Herencia - Saturday, September 18th; 4:00 PM – 9:00 PM; The Link Plaza
- Senior Lunch Bunch – Indoor Seating & To Go Orders - Thursday, October 14th; 12 noon – 1 PM; The Link
- Tarrant County Food Pantry - Thursday, October 14th; 5:30 PM – 7PM; The Link Parking Lot
- Texas Night Out – Tuesday, October 5th, 6:00 PM – 8:30 PM; The Link Plaza
- Richland Hills Literary Adult Book Club – Tuesday, September 14th; 6:30 PM; Library – Our next book is *The Dry* by Jane Harper.
- Evening Storytime – 1st and 3rd Thursday; 6:30 PM – 7:00 PM; Library Gazebo - Join Ms. Kathleen under the gazebo for an outdoor evening of stories, rhymes and more! Please bring lawn chairs or blankets for seating.
- Library Lab – 2nd and 4th Thursday; 6:30 PM – 7:30 PM; Library Gazebo - Join Ms. Miranda under the gazebo for an outdoor evening featuring a different STEAM related, hands on project every week.

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).

Motion: Motion was made by Councilmember Bergthold and seconded by Councilmember Estep to convene into Executive Session. Time: 9:37 p.m.

Motion carried by a vote of 5-0.

Councilmember Knowlton left the meeting at 9:37 p.m.

Mayor Lopez reconvened into open session. Time: 10:06 p.m.

10. A motion was made by Councilmember Morse and seconded by Councilmember Estep to adjourn.

Motion carried by a vote of 4-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 10:07 p.m.

ATTEST

APPROVED

Cathy Bourg, City Secretary

Edward Lopez, Mayor