

**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING AGENDA  
APRIL 22, 2024  
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are open to the public. If Executive Session is required, it will be held in the Council Conference Room, and is closed to the public. Please note that although the Council will generally consider the items on the agenda in the order shown below, they may elect to re-order items in order to accommodate the needs of the Council, city staff, presenters, or the public generally. Therefore, members of the public interested in any agenda item are encouraged to be in attendance at the start of the meeting.

**CITY COUNCIL WORK SESSION – 6:00 PM**

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
2. 75<sup>th</sup> Anniversary Committee Update
3. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

**REGULAR SESSION – 7:00 PM**

**CALL TO ORDER**

**INVOCATION AND PLEDGES OF ALLEGIANCE**

**1. PRESENTATIONS**

- A. Business Spotlight: The Casual Cat Cafe
- B. National Crime Victims Rights Week Proclamation
- C. Municipal Clerks Week Proclamation
- D. National Corrections Officer Week Proclamation
- E. National Drinking Water Week Proclamation
- F. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Rawlinson ([lrawlinson@richlandhills.com](mailto:lrawlinson@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 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 8, 2024 City Council Regular Meeting
- B. Approve Ordinance 1496-24 amending Article IV “Code of Ethics” of Chapter 2 “Administration” in its entirety to adopt a Code of Ethics applicable to all Elected and Appointed Officials of the City
- C. Approve Resolution 594-24 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife

## **3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**

- A. None

## **4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

- A. Consider Ordinance 1497-24 adopting Article IX “Regulation and Permitting of Donation Bins” of Chapter 58 “Offenses and Miscellaneous Provisions” and amending Appendix A “Fee Schedule”

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

- A. Consider award of bid to Rollins Fence Company for the demolition and reconstruction of the Public Works maintenance yard fence and fences at city parks and facilities in the amount of \$160,000
- B. Consider agreement with Atmos Energy for the relocation of gas lines adjacent to Rena Road in conjunction with auxiliary power installation at the Rena Water Tank in the amount of \$74,355

## 6. OTHER ITEMS FOR CONSIDERATION

- A. Consider an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0116, a variance to decrease the front and side yard setback requirement for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118
- B. Consider an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0128, a variance to decrease the side yard setback requirement and allow for an oversized carport for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118

## 7. REPORTS & DISCUSSIONS

- A. Street Improvement Projects
- B. 2<sup>nd</sup> Quarter Investment Report
- C. Clean, Green & Lean Event
- D. March Department Reports

## 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, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council**

**to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

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 17<sup>th</sup> day of April 2024 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

*Lindsay Rawlinson*

Lindsay Rawlinson  
City Secretary



### **ACCESSIBILITY STATEMENT**

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

# Memorandum

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

From: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: 75<sup>th</sup> Anniversary Committee Update

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## **Agenda Item:**

75<sup>th</sup> Anniversary Committee Update

## **Background Information:**

Members of the 75<sup>th</sup> Anniversary Committee will unveil the 75<sup>th</sup> Anniversary logo and provide an update on planned events and activities.

## **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: JP Ducay, Director of Planning and Development Services

Date: April 22, 2024

Subject: Business Spotlight

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## **Agenda Item:**

Business Spotlight: The Casual Cate Cafe

## **Background Information:**

The Casual Cat Cafe is located at 7264 Glenview Dr. They received their Certificate of Occupancy on June 6, 2017. A representative from The Casual Cat Cafe will be in attendance to introduce their business.

## **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: Lindsay Rawlinson, City Secretary

Date: April 22, 2024

Subject: Presentation of National Crime Victims' Rights Week Proclamation

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## **Agenda Item:**

Presentation of National Crime Victims' Rights Week Proclamation

## **Background Information:**

In recognition of "National Crime Victims' Rights Week", Mayor Lopez will present a Proclamation to Victim Assistance Coordinator Teresa Koontz, and Victim Assistance Specialists Dennise Espeleta and Valerie Farrell with the North Richland Hills Police Department.

National Crime Victims' Rights Week (NCVRW) will be commemorated April 21 – 27, 2024. The 2024 theme asks all of us—friends, family members, neighbors, colleagues, community leaders, victim service providers, criminal justice practitioners, and health professionals—how we can help crime victims. This year's theme is a call-to-action for us all to create safe environments for crime victims to share what happened to them.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

National Crime Victims' Rights Week Proclamation

## **Council Action Requested:**

Presentation of National Crime Victims' Rights Week Proclamation

# Proclamation



**WHEREAS**, the term “victim” is more than just a label and has legal standing and protections that go along with it; and

**WHEREAS**, crime victims’ rights acts passed here in Texas and at the federal level guarantee victims the right to meaningfully participate and use their voice in the criminal justice process; and

**WHEREAS**, victim service providers, advocates, law enforcement officers, attorneys, and other allied professionals can help survivors find their justice by enforcing these rights; and

**WHEREAS**, survivors’ lived experience can serve as a catalyst for implementing innovative programs, shifting existing programs in new directions, and changing policies or practices that prevent survivors from accessing services or pursuing justice; and

**WHEREAS**, the City of Richland Hills is hereby dedicated to amplifying the voices of survivors and creating an environment where survivors have the confidence that they will be heard, believed, and supported.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim April 21 – 27, 2024 as:

## ***CRIME VICTIMS’ RIGHTS WEEK***

In the City of Richland Hills and encourage all citizens to join me in this observance.

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Mayor Edward Lopez  
City of Richland Hills

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: April 22, 2024

Subject: Presentation of Professional Municipal Clerks Week Proclamation

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## **Agenda Item:**

Presentation of Professional Municipal Clerks Week Proclamation

## **Background Information:**

In recognition of “Professional Municipal Clerks Week”, Mayor Lopez will present a Proclamation to Richland Hills City Secretary, Lindsay Rawlinson.

## **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



**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 is the oldest among public servants, 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,** Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**NOW, THEREFORE, BE IT RESOLVED,** that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 5 – May 11, 2024 as:

## ***PROFESSIONAL MUNICIPAL CLERKS WEEK***

And further extend appreciation to our Professional Municipal Clerk, Lindsay Rawlinson, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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Mayor Edward Lopez  
City of Richland Hills

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: April 22, 2024

Subject: Presentation of National Corrections Officer Week Proclamation

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## **Agenda Item:**

Presentation of National Corrections Officer Week Proclamation

## **Background Information:**

In recognition of “National Corrections Officer Week”, Mayor Lopez will present a Proclamation to Detention Facility Manager Justin Smith and Detention Officers Nathan Patterson and Michael Vastine with the North Richland Hills Police Department.

National Correctional Officers Week is recognized in the first full week of May and will next be celebrated from May 5 – 11, 2024. Correctional officers are responsible for managing those who have been brought into custody by law enforcement. There are jobs requiring these skills for those who are incarcerated and awaiting trial, and there are corrections officers responsible for managing convicted criminals who are serving time.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

National Corrections Officer Week Proclamation

## **Council Action Requested:**

Presentation of National Corrections Officer Week Proclamation

# Proclamation



**WHEREAS**, correctional officers are trained law enforcement professionals dedicated to maintaining safe correctional facilities and ensuring public safety; and

**WHEREAS**, correctional facilities across the U.S., both civilian and military, public and private, adult and juvenile, are run by highly qualified and experienced individuals with a deep understanding of the challenges within the profession; and

**WHEREAS**, correctional officers and employees serve admirably in many different capacities, including jail administrators, wardens, chaplains, nurses, supervisors, social workers, teachers, managers and directors; and

**WHEREAS**, correctional officers and employees teach, train, mentor, counsel and treat thousands of offenders; and

**WHEREAS**, correctional officers and employees rise to meet any challenge and serve this honorable profession nobly and admirably.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 5 – 11, 2024 as:

## ***NATIONAL CORRECTIONAL OFFICERS WEEK***

correctional officers and employees deserve the recognition for their service and should be commended by leaders in the profession, and the public and our elected officials for the tremendous job they do and exceptional performance of duties under the most difficult of circumstances.

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Mayor Edward Lopez  
City of Richland Hills

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: April 22, 2024

Subject: Presentation of National Drinking Water Week Proclamation

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## **Agenda Item:**

Presentation of National Drinking Water Week Proclamation

## **Background Information:**

In recognition of “National Drinking Water Week”, Mayor Lopez will present a Proclamation to Richland Hills Director of Public Works and Capital Projects Kip Dernovich.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

National Drinking Water Week Proclamation

## **Council Action Requested:**

Presentation of National Drinking Water Week Proclamation

# Proclamation



**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, drinking water serves a vital role in daily life, serving an essential purpose to health, hydration and hygiene needs for the quality of life our citizens enjoy; and

**WHEREAS**, tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS**, the hard work performed by the entire water sector, designing capital projects, operators ensuring the safety and quality of drinking water or a member of a pipe crew maintaining the infrastructure communities rely on to transport high quality drinking water from its source to consumers' taps; and

**WHEREAS**, the coronavirus pandemic has shone a light on the importance of drinking water for health, hydration and hygiene needs; and

**WHEREAS**, we are all stewards of the water infrastructure upon which current and future generations depend; and

**WHEREAS**, the citizens of our city are called upon to help protect our source waters from pollution, practice water conservation and get involved with their water by familiarizing themselves with it.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 5 – 11, 2024 as:

***NATIONAL DRINKING WATER WEEK***

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Mayor Edward Lopez  
City of Richland Hills

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: April 22, 2024

Subject: Minutes from the April 8, 2024 Regular City Council Meeting

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**Agenda Item:**

Approval of minutes from the April 8, 2024 City Council Regular Meeting

**Background Information:**

N/A

**Financial Considerations:**

N/A

**Legal Review:**

N/A

**Board/Citizen Input:**

N/A

**Attachments:**

April 8, 2024 Draft Minutes

**Council Action Requested:**

Motion to approve the minutes from the April 8, 2024 City Council Regular Meeting

**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING  
APRIL 8, 2024  
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor  
G.W. Estep, Mayor Pro Tem  
Douglas Knowlton, Place 1  
Travis Malone, Place 2  
Theresa Bledsoe, Place 3  
Javier Alvarez, Place 4  
Roland Goveas, Place 6

Council absent

Staff present

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

**CITY COUNCIL WORK SESSION – 6:31 PM**

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.
  - a) Section 551.072: Deliberation regarding real property  
2721 Handley Ederville Road, Richland Hills, TX  
2525 Handley Ederville Road, Richland Hills, TX

**Motion:** Motion was made by Councilmember Knowlton and seconded by Councilmember Malone to adjourn into Executive Session at 6:31 p.m.

Motion carried by a vote of 7-0.

Mayor Lopez reconvened into open session at 7:27 p.m.

**A) Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.**

None.

Mayor Lopez adjourned the work session at 7:27 p.m.

**REGULAR SESSION – Mayor Lopez Called to Order – Time 7:27 p.m.**

**INVOCATION AND PLEDGES OF ALLEGIANCE – Councilmember Knowlton**

**PRESENTATIONS**

**1A. Animal Control Appreciation Week Proclamation**

Mayor Lopez read a proclamation declaring April 14-20, 2024, as “Animal Control Appreciation Week” in Richland Hills and presented the proclamation to Animal Control Officer Kay Fisk.

**1B. National Library Week Proclamation**

Mayor Lopez read a proclamation declaring April 7-13, 2024, as “National Library Week” in Richland Hills and presented the proclamation to Library Director Chantele Hancock.

**1C. Employee Service Award**

City Manager Candice Edmondson announced the employee service awards and expressed congratulations to the following employees on reaching an employment milestone with the City of Richland Hills:

5 Years of Service

Firefighter/Paramedic Bryan Brindley  
Senior Accountant Bernadette Gendron  
Youth Services Librarian Miranda Hawkins

10 Years of Service

Utility Billing Administrator Terri White

**1D. Recognition of Richland High School Cross Country Team**

Mayor Lopez read a proclamation declaring April 8, 2024, as “Richland High School Cross Country Team Day” in Richland Hills for their service and volunteerism at the Richland Hills Animal Shelter. Mayor Lopez presented the proclamation to Mark Ashley, Head Cross Country Coach, and the Richland High School Cross Country Team.

**1E. Citizen Appearances/Public Comments**

David White, 7008 Hovenkamp, Richland Hills, expressed concern about the need for a safety guardrail near the creek by his house and requested that the City clean the creek following flooding issues.

Joyce Fiaccone, 3800 Labadie, Richland Hills, read an email from her neighbor, Marlene Eisen, expressing frustration at issues Ms. Eisen is having with the City's trash provider, Republic Services.

### **CONSENT AGENDA**

#### **2A. Approved minutes from the March 25, 2024 City Council Regular Meeting**

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

Motion carried by a vote of 7-0.

### **PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**

3. None.

### **ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

4. None.

### **CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS**

5. None.

### **OTHER ITEMS FOR CONSIDERATION**

#### **6A. Approved funding request from Serving Our Seniors (SOS) for technology and building enhancements**

City Manager Candice Edmondson presented the item to the City Council and advised that Serving Our Seniors (SOS) is a non-profit organization, located in Richland Hills, with a mission to provide help, hope, and healing to the City's resident seniors. SOS serves 11 cities in Northeast Tarrant County and focuses their efforts on three programs that aim to keep seniors independent and physically and mentally well, all free of charge. These services include transportation, home repairs and social outreach.

In 2023, SOS served 37 households in Richland Hills. Organization volunteers provided 53 hours assisting senior residents at a total cost (volunteer time, miles and materials) of \$25,474. SOS is trying to improve service and efficiency with an upgraded database system and eliminating some fixed building costs.

Ms. Edmondson advised that sales tax collections in the General Fund are up 17% year to date over the prior year and as a result, funding is available to provide \$10,000 to SOS for their technology and building enhancements.

**Motion:** Motion was made by Mayor Pro Tem Estep and seconded by Councilmember Knowlton to approve funding request from Serving Our Seniors for technology and building enhancements in the amount of \$10,000.

Motion carried by a vote of 7-0.

## **REPORTS & DISCUSSIONS**

### **7A. Water Meter Replacement Project Report**

Director of Public Works and Capital Projects Kip Dernovich provided a final report on the recently completed Water Meter Replacement Project. He advised that the City Council approved the project and contract with Performance Services Inc. in early 2022. The program began on August 15, 2022, with meter replacement beginning on March 14, 2024, and pipe inventory on February 6, 2023.

Meter installation was completed on July 14, 2023, and the project reached substantial completion on August 1, 2023. To date, approximately 32 complaints have been received. Mr. Dernovich advised of the benefits of the new system including increased staff efficiency and the ability for water customers to see and track water usage in real time.

### **7B. Discuss Ordinance 1496-24 amending Article IV “Code of Ethics” of Chapter 2 “Administration” in its entirety to adopt a Code of Ethics applicable to all Elected and Appointed Officials of the City**

City Manager Candice Edmondson presented a proposed update to the City’s current Code of Ethics previously adopted in Chapter 2, Article IV of the Code of Ordinances. The proposed changes include detailed language regarding an elected or appointed officer of the City holding a substantial interest in a business entity, disclosure of interests, and standards of conduct for City officers, advisory board members, or their spouses.

## **COMMUNITY INTEREST ITEMS**

8. Mayor Pro Tem Estep advised of several upcoming events:

- Thursday, April 11, 2024,
  - o Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
  - o Tarrant County Food Pantry, The Link parking lot, 5:30 to 7:00 p.m.;
- Saturday, April 13, 2024, Carter Bloodcare Blood Drive, The Link Parking Lot, 9:00 a.m. to 3:00 p.m.;
- April 15 – May 15, 2024, Pick A Perk Link Membership Sale, The Link;
- Monday, April 29, 2024, Clean, Green & Lean, City Parks and The Link, 8:00 a.m. to 2:00 p.m.;
- Tuesday, April 30, 2024, Blooming Flowers, Public Library, 6:30 to 7:00 p.m.; and
- Every Thursday, Coffee Talk, Public Library, 10:00 to 11:30 a.m.

**EXECUTIVE SESSION**

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

None.

**ADJOURNMENT**

10. A motion was made by Councilmember Knowlton and seconded by Councilmember Goveas to adjourn.

Motion carried by a vote of 7-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 8:41 p.m.

**ATTEST:**

**APPROVED:**

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Lindsay Rawlinson, City Secretary

\_\_\_\_\_  
Edward Lopez, Mayor

# Memorandum

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

From: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: Code of Ethics for Elected and Appointed Officials

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## **Agenda Item:**

Approve Ordinance 1496-24 amending Article IV “Code of Ethics” of Chapter 2 “Administration” in its entirety to adopt a Code of Ethics applicable to all Elected and Appointed Officials of the City

## **Background Information:**

Public service as a City of Richland Hills elected or appointed official or city employee is an honor. It is the policy of the City to uphold, promote, and demand the highest standards of ethical behavior from its City Council, employees, and individuals appointed to serve on the City’s boards, commissions, committees, task forces, and other appointed or elected advisory groups.

During the April 8, 2024 City Council meeting, staff presented an amended Code of Ethics Ordinance that expands on the language already included in Chapter 2, Article IV of the Code of Ordinances and in the City Charter. The proposed ordinance also provides more guidance on substantial business interests, standards of ethical conduct, disclosures of interest and penalties for ethics violations.

City Council did not request any changes be made to the proposed ordinance, so staff is presenting Ordinance 1496-24 for Council approval.

## **Financial Considerations:**

N/A

## **Legal Review:**

The City Attorney prepared the draft ordinance.

## **Board/Citizen Input:**

N/A

**Attachments:**

Ordinance 1496-24

**Council Action Requested:**

Motion to approve Ordinance 1496-24 amending Article IV "Code of Ethics" of Chapter 2 "Administration" in its entirety to adopt a Code of Ethics applicable to all Elected and Appointed Officials of the City

**ORDINANCE NO. 1496-24**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, AMENDING ARTICLE IV "CODE OF ETHICS" OF CHAPTER 2 "ADMINISTRATION" IN ITS ENTIRETY TO ADOPT A CODE OF ETHICS APPLICABLE TO ALL ELECTED AND APPOINTED OFFICIALS OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills, Texas ("City"), 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 City Council previously adopted Ordinance No. 840-98, adopting ethics policies for City officials and employees. The ordinance was amended on January 27, 2009 via Ordinance No. 1139-09, as well as on September 13, 2011 via Ordinance No. 1208-11; and

**WHEREAS**, ethical considerations in the decision-making process of Richland Hills public officials are at the forefront of public scrutiny and the mere appearance of impropriety impacts the effectiveness of Richland Hills public officials; and

**WHEREAS**, public confidence and respect can best be promoted if Richland Hills public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust; and

**WHEREAS**, the City Council finds it to be in the public interest to adopt a Code of Ethics applicable to all elected and appointed officials of the City; and

**WHEREAS**, the City Council finds that replacing Article IV Code of Ethics of the Richland Hills Code of Ordinances, in its entirety, 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, THAT:**

## SECTION 1.

Article IV “Code of Ethics” of Chapter 2 “Administration” is hereby amended in its entirety to read as follows:

### **“Article IV Code of Ethics**

#### **Sec. 2-121 General Guide for Richland Hills Public Officials.**

It is hereby declared to be the policy of the City that the proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible only to the people of the City. Governmental decisions and policies should be made in the proper channels of the governmental structure. No officer, employee, or member of any board, commission, or committee should have any interest, financial or otherwise, or engage in any business, transaction, or professional activity or incur any obligation of any nature that conflicts with the proper discharge of their duties in the public interest. Public office and public employment are positions of public trust imposing the duty of a fiduciary upon all employees and officeholders who are not to use their public position for personal gain. The public should have confidence in the integrity of its government. It is the policy of the City to uphold, promote, and demand the highest standards of ethical behavior from its Mayor, members of the City Council, employees, and individuals appointed to serve on the City’s boards, commissions, committees, task forces, and other appointed or elected advisory groups.

#### **Sec. 2-122 Definitions.**

For this Code of Ethics, the following words and phrases shall have the meanings ascribed to them by this section.

*Advisory board* shall mean a board, commission, or committee of the City that functions only in an advisory or study capacity.

*Business entity* shall mean any entity recognized by law through which business for profit is conducted, including a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, or trust.

*City* means the City of Richland Hills.

*Employee* shall mean any person employed by the City, including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.

*Family member* shall mean a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code, as amended.

*Family relationship* means a relationship between a person and another person within the third-degree by consanguinity or the second-degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code, as amended.

*Gift* means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a gift. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

*Knowingly*. A person acts knowingly, or with knowledge, concerning the nature of their conduct or to circumstances surrounding their conduct, when they are aware of the nature of their conduct or that the circumstances exist.

*Officer* shall mean any member of the City Council, the Planning and Zoning Commission, the Board of Adjustment and/or the Building Board of Appeals, and any member of a board, commission, or committee established by ordinance, charter, or State law who has final approval authority over any application, permit, license, or other City approvals provided, however, that no member of an advisory board shall be deemed an officer of the City.

*Public servant* means the Mayor, members of the City Council, the City Secretary, appointive officers, any member of a board, commission, or other voting body that is established by either branch of City government, or by this Code, and any appointee, any employee, or any individual who provides services to the City within or outside of its offices or facilities under a personal services contract.

*Vendor* means a person who enters or seeks to enter into a contract with the City. The term includes an agent of a vendor. The term does not include a State agency, except for Texas Correctional Industries.

*Willful neglect of duty* means the intentional failure of a public servant to perform the duties of their office.

### **Sec. 2-123 Substantial Interest.**

- a) A person has a substantial interest in a business entity if the individual:
  - 1) Has a controlling interest in the business entity;
  - 2) Owns 10 percent (10%) or more of the voting stock or shares of the business entity or ownership of either 10 percent (10%) or more or \$5,000.00 or more of the fair market value of the business entity (see Section 171.002, Texas Local Government Code, as amended); or

- 3) Received funds from the business entity that exceed 10 percent (10%) of the person's gross income for the previous year (see Section 171.002, Texas Local Government Code, as amended); or
  - 4) Holds the position of member of the board of directors, or other governing board of the business entity, except as provided by subsection (b) below; or
  - 5) Serves as an elected officer of the business entity; or
  - 6) Is an employee of the business entity; or
  - 7) Is a creditor, debtor, or guarantor of the entity for \$5,000.00 or more; or
  - 8) Has property pledged to the business entity, or is subject to a lien in favor of the business entity, for \$5,000.00 or more.
  - 9) Has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500.00 or more (see Section 171.002, Texas Local Government Code).
  - 10) Has a substantial interest under this Ordinance if the person's family member has a substantial interest under this chapter (see Section 171.002, Texas Local Government Code).
- b) A person does not have a substantial interest in a business entity if the individual:
- 1) Holds a position as a member of the board of directors, or other governing board of a business entity; and
  - 2) Has been designated by the City Council to serve on such board; and
  - 3) Receives no financial benefit, either directly or indirectly, for their service on such board; and
  - 4) The primary nature of the business entity is either charitable, nonprofit, or governmental.

#### **Sec. 2-124 Standards of Conduct.**

- a) No City officer, employee, or advisory board member, or their spouse, shall knowingly:
- 1) Accept or solicit any gift, favor, service, or thing of value from any person, group, or business entity, including a promise of future employment, that might reasonably tend to influence them in the discharge of their official duties or that the officer, employee, or advisory board member knows or

should know is being offered with the intent to influence the officer's or employee's official conduct. This prohibition shall not apply to:

- a. An occasional non-pecuniary gift, that is not cash, and is insignificant in value; or
  - b. An award publicly presented in recognition of public service; or
  - c. Any gift that would have been offered or given to the officer employee or advisory board member, or their spouse, if they were not a City officer, employee, or advisory board member; or
  - d. Any travel and related expenses to attend ceremonial functions provided that such acceptance and attendance have been approved by the City Council prior to the occurrence of the ceremonial function.
- 2) Grant in the discharge of their official duties any improper favor, service, or thing of value to any person, group, or business entity;
  - 3) Knowingly disclose any confidential information gained in connection to the position of the officer, employee, or advisory board member concerning property, operations, policies, or affairs of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such officer, employee, or advisory board member, or others. This subparagraph shall not preclude disclosure of such confidential information in connection with any investigation or proceeding regarding whether there has been a violation of the standards of conduct outlined in this article.
  - 4) Use one's position, office of employment, city facilities, personnel, equipment, or supplies to secure special privileges or exemptions for themselves or others or for the private gain of the city officer, employee, advisory board member, or their spouse.
  - 5) Engage in any exchange, purchase, or sale of property, goods, or services with the City, except:
    - a. Rendering services to the City as an officer, employee, or advisory board member;
    - b. Paying taxes, fines, utility service, or filing fees; executing and performing any developer's agreement or plat in compliance with laws and regulations applicable to any person; provided, however, if any city ordinance, rule, or regulation allows any discretion by the appropriate officers or employees of the City in the interpretation or enforcement of such ordinance, rule, or regulation, any such

discretion shall be exercised in favor of the City in connection with any such developer's agreement or plat;

- c. Advisory board members who are not otherwise officers or employees of the City, may engage in any exchange, purchase, or sale of property, goods, or services with the City, or enter into a contract with the City, provided that the board on which they are a member has no advisory function or awareness, direct or indirect, present or prospective, with respect to the transaction in which such advisory board member engages or proposes to engage.
- 6) Hold themselves out as representing the City in any capacity other than that for which they were appointed, elected, or hired.
  - 7) Engage in or accept private employment or render a service when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independent judgment, in the performance of their official duties.
  - 8) Make or permit the unauthorized use of city-owned vehicles, equipment, materials, or property.
  - 9) Grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
  - 10) Conduct any business in their official capacity with the City with a business entity in which they have a substantial interest.
  - 11) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City, or that reflects discredit upon the government of the City.
  - 12) Knowingly perform or refuse to perform any act to deliberately prevent the execution of city ordinances, rules, or regulations or the achievement of official city programs.
  - 13) Misuse or misappropriate use of city funds.
- b) No officer, advisory board member, or city employee shall knowingly represent, directly or indirectly, any person, group, or business entity:
    - 1) Before the City Council or any department, agency, board, or commission of the City;
    - 2) In any action or proceeding against the interests of the City, or in any litigation in which the City or any department, agency, board, or commission

thereof is a party; or in any action or proceeding in the municipal courts of the City that was instituted by a city officer or employee during their official duties, or a criminal proceeding in which any city officer or employee is a material witness for the prosecution.

c) Restrictions on former employees:

- 1) No former city employee shall, for a period of two (2) years from the date of leaving city employment, knowingly:
  - a. Appear before any board or commission of the City in relation to any case, proceeding, or application in which they personally participated, or which was under their active consideration, during the period of their service or employment with the City.
  - b. Represent, directly or indirectly, any private person, including a former employee or any immediate family member, or any group or interest, in any action or proceeding against the interests of the City, or in any litigation in which the City or any department, agency, commission, or board thereof is a party.
  - c. Knowingly represent any private person, other than themselves, including any immediate family member, or any group or interest in any action or proceeding in the municipal court, which is instituted by a city officer or employee in the course of official duties.
    - (i). This subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent themselves in a court proceeding.
  - d. Have any financial interest in the sale of any land, materials, supplies, or service to the City. Any violation of this subsection with the actual or constructive knowledge of the former city employee shall render the contract voidable by the City Manager or the City Council. This subsection shall not apply to a former city employee whose employment was terminated as part of a reduction in force or to a former employee whose skills or experience are so unique that failure to contract with them would be a detriment to the City as determined by the City Manager.

d) The restrictions in this section do not prohibit the following:

- 1) A city employee, officer, or advisory board member (other than City Council), or their spouse, appearing before the City Council or a city department, agency, board or commission to represent themselves in a matter affecting their property; provided, however, that no such person, or

their spouse, shall appear before the board or commission of which they are a member; or

- 2) A city employee or officer of an employee organization appearing before the City Council or a city department, agency, board, or commission to address employment matters.

e) The restrictions in this section do not apply to business associates of officers, employees, or advisory board members, but only personally to the officers, employees, and advisory board members themselves.

### **Sec. 2-125 Disclosure of Interest.**

a) If any city officer, employee, or advisory board member has a substantial interest in a business entity or real property involved in any decision pending before such officer, employee, or advisory board member, or the body of which they are a member, such officer, employee, or advisory board member shall disclose such interest as provided in subsection e) below and shall not, except as provided in subsection b) below, discuss the substance of the matter at any time with any other member of the board of which they are a member, or any other body that will vote on or otherwise participate in the consideration of the matter.

b) If any of the following interests or relationships are involved in any decision pending before any city officer, employee, or advisory board member, or the body of which they are a member, such officer, employee, or advisory board member must disclose such interest or relationship as provided in subsection e), but they shall be permitted to vote on and participate in the consideration of such matters listed as follows:

- 1) A decision concerning a bank or other financial institution from which the officer, employee, or advisory board member has a home mortgage, automobile loan, or other installment loan, if the loan is not currently in default, was originally for a term of more than two (2) years, and cannot be accelerated except for failure to make payments according to the terms thereof;
- 2) A decision concerning a bank or other financial institution in which the officer, employee, or advisory board member holds a savings account, checking account, or certificate of deposit, and which is fully insured by the U.S. government or an agency thereof;
- 3) A decision concerning a business entity with which the officer, employee, or advisory board member has a retail or credit card account;
- 4) A decision concerning the approval of the substitution of collateral by a city depository bank; and

- 5) A decision concerning real property in which the officer, employee, or advisory board member has a substantial interest if it is not reasonably foreseeable that such decision would have a special economic effect on the value of the property, distinguishable from the effect on the public (see Section 171.004, Texas Local Government Code, as amended).
- c) If a city officer, advisory board member, or a city employee, or a family member of a city officer, advisory board member, or city employee, receives one or more gifts that have a combined value of more than one hundred dollars (\$100) in the twelve (12) month period preceding the date the City executes a contract with the vendor or considers entering into a contract with the vendor, the city officer, advisory board member, or city employee must disclose such gift as provided in subsection f), g) or h), as applicable, but he or she shall be permitted to vote on and participate in the consideration of such matter. This requirement shall not apply to gift(s) accepted by a City Council member, the City Manager, or a city employee if the gift is a political contribution as defined by Title 15, Election Code, or food accepted as a gift.
- d) If any of the following relationships exist between a vendor and a city officer, advisory board member, or a city employee, the city officer, advisory board member, or city employee must disclose the relationship as provided in subsection f), g), or h) as applicable and shall not, in accordance with subsection a), discuss the substance of the matter at any time with any other member of the board of which they are a member or any other body that will vote on or otherwise participate in the consideration of the matter if:
  - 1) The City enters into a contract with a vendor, or is considering entering into a contract with a vendor, and the vendor has an employment or other business relationship with the city officer, advisory board member or city employee, or family member of the city officer, advisory board member or city employee, resulting in the city officer, advisory board member, or city employee, or their family member, receiving taxable income, other than investment income, that exceeds twenty five hundred dollars (\$2500.00) during the twelve (12) month period preceding the date the contract between the City and the vendor is executed, or the date the City considers entering into a contract with the vendor; or
  - 2) The City enters into a contract with a vendor, or is considering entering into a contract with a vendor, and the vendor has a family relationship with the city officer, advisory board member, or city employee.
- e) A city officer, city employee, or advisory board member shall disclose the existence of any substantial interest in a business entity or real property involved in any decision pending before such officer, employee, or advisory board member, or the body of which they are a member. To comply with this paragraph, a city officer or advisory board member shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Section 171.004 of the Texas Local Government Code, as

amended, or, if not so required, shall publicly disclose in the official records of the body or of the City Secretary the nature of the interest. To comply with this paragraph, a city employee shall notify their superior, and the Human Resources Office in writing of the nature of any substantial interest they may have in a business entity or real property which would be affected by an exercise of discretionary authority by the city employee. The employee's superior shall assign the matter to another employee.

f) A City Council member, the City Manager, or a city employee shall disclose a relationship as defined in subsections c) and d) that exists between the City Council member, the City Manager, the city employee, or family member of the City Council member, City Manager, or city employee and vendor by filing a conflicts disclosure statement with the City Secretary as required by Section 176.003 of the Texas Local Government Code, as amended. The disclosure statement form is available from the City Secretary. This disclosure shall be filed no later than 5:00 p.m. on the seventh (7<sup>th</sup>) business day after the date on which the City Council member, the City Manager, or the city employee becomes aware of the existence of a relationship as defined in subsections c) and d).

g) An advisory board member shall disclose a relationship as defined in subsections c) and d) that exists between the advisory board member, or family member of the advisory board member with a vendor by filing a written statement with the City Secretary on a form promulgated by the City Secretary for that purpose. This statement shall be filed no later than 5:00 p.m. on the seventh (7<sup>th</sup>) business day after the date on which the advisory board member becomes aware of the existence of a relationship as defined in subsections c) and d).

h) An employee of the City who does not have a relationship with a vendor, as defined in subsections c) and d), shall indicate such by filing a written statement with the Human Resources Office on a form promulgated by the City for that purpose.

#### **Sec. 2-126 Penalties for Violation of Article; Forfeited Position; Exemptions; Injunctions.**

a) It is not the intention of this Code of Ethics that violations be subject to criminal penalties, except where otherwise provided by State law.

b) Whenever the City Council has determined that any officer (except for City Council members), employee, or advisory board member has violated any provision of this section, such officer, city employee, or advisory board member shall be subject to discipline, including forfeiture of their office or position for all non-elected officers or employees. Nothing in this Ordinance shall be construed to prohibit such officer, city employee, or advisory board member from being elected, re-elected, reappointed, or otherwise rehired to any position forfeited under the provisions of this article.

- c) The City Council may exempt from the provisions of this section any conduct found to constitute a violation by an officer, city employee, or advisory board member if it finds that the enforcement of this article with respect to such conduct is not in the public interest.
- d) Any contract or transaction that was the subject of an official act or action of the City in which there is an interest prohibited by this article, or that involved the violation of a provision of this article, shall be voidable at the option of the City Council.
- e) Pass a resolution of censure or a recommendation of recall when the City Council finds that a serious or repeated violation of this Code has been committed intentionally by a member of the City Council.
- f) At the discretion of the City Council, the City Attorney or designee will have the power if a violation of the provisions of this article is threatened or has occurred, to bring a civil action or proceeding, at law or in equity, for a judgment enjoining any violation of the provisions of this article or requiring the relinquishment of any prohibited interest or the voiding of any such contract or transaction, taking into account the interests of the City and any third persons who may be injured thereby.

#### **Sec. 2-127 Enforcement.**

- a) The City Council and City Manager shall have the primary responsibility for the enforcement of this section. The Human Resources Office shall also have responsibility for enforcement of this article as it pertains to employee conduct. The City Council, City Manager, and Human Resources staff, as appropriate, may direct the City Attorney to investigate any apparent violation of the article. Additionally, the City Council may employ or appoint any qualified attorney to investigate any violation or series of violations of this article by one or more persons. At the direction of the City Council, the City Attorney shall have the power to investigate any complaint and to take any action on behalf of the City where such action is appropriate.
- b) Any person who believes that a violation of any portion of the article has occurred may file a complaint with the City Council, and who may then proceed as provided in paragraph a) above. However, nothing in this article shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

#### **Sec. 2-128 Advisory Opinions.**

Where any officer, city employee, or advisory board member has a doubt as to the applicability of any provision of this Code to a particular situation, or as to the definition of terms used herein, they may apply to the City Attorney for an advisory opinion. The officer, city employee or advisory board member shall have the opportunity to present their interpretation of the facts at issue and of the applicability of provisions of the Code before such advisory opinion is made.

## **Sec. 2-129 Conclusion.**

Public service as a City of Richland Hills elected or appointed official is an honor. Your voluntary service directly contributes to the quality of life in Richland Hills. Although this public service is not paid or compensated, the contributions and benefits to the Richland Hills community and its citizens are invaluable. Citizens fortunate enough to serve on boards and committees do so with pride, integrity, and with the highest of ethical standards. It is always advisable that should any member or official have a legal question concerning any of these matters that they consult with the City Attorney and, if advisable, outside counsel.

**Sections 2-130 through 2-150 – Reserved.”**

## **SECTION 2. ORDINANCE 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 is Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

## **SECTION 3. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

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 ethics 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 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.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on April 22, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR EDWARD LOPEZ

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

# Memorandum

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

From: Jason Brown, Director of Parks and Recreation

Date: April 22, 2024

Subject: World Migratory Bird Day

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## **Agenda Item:**

Approve Resolution 594-24 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife

## **Background Information:**

North American bird populations, specifically migratory birds, have declined steeply since 1970. Migratory bird populations have declined dramatically due to continued urban development, increased light pollution, and other human related actions that challenge the migratory paths and localized inhabitation around urban settings.

By approving Resolution 594-24 the Richland Hills City Council acknowledges the importance of migratory birds and their continued successful breeding and population growth. This statement further acknowledges the City's responsibility to find ways to be a part of the solution through information, education and sustainability.

## **Financial Considerations:**

There will be negligible financial commitment, beyond staff time. Future actions that align with this resolution will be focused on children's programming and community education for those who would like to actively participate.

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

Resolution 594-24

**Council Action Requested:**

Motion to approve Resolution 594-24 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife

## **RESOLUTION NO. 594-24**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, RECOGNIZING WORLD MIGRATORY BIRD DAY AND LOCAL EFFORTS TO PURSUE THE BIRD CITY TEXAS DESIGNATION BY TEXAS PARKS AND WILDLIFE.**

**WHEREAS**, migratory birds are some of the most beautiful and easily observed wildlife that share our communities; and

**WHEREAS**, most citizens recognize and welcome migratory songbirds as symbolic harbingers of spring and fall; and

**WHEREAS**, bird migration is interconnected with delicate local ecosystems, serving to control insect pest populations, support pollination, and foster seed dispersal; and

**WHEREAS**, migratory birds face the challenges of diminishing migratory habitats in the Americas and increased dangers on their migration routes; and

**WHEREAS**, protecting vulnerable species through active conservation efforts is a fundamental strategy for urban resilience and natural resource regeneration; and

**WHEREAS**, the City of Richland Hills location at the confluence of the Post Oak Savannah, South Texas Plains, Blackland Prairie, and Edwards Plateau ecoregions enables important nesting habitat for migratory birds, including two highly endangered species: the Black-capped Vireo and the Golden-cheeked Warbler; and

**WHEREAS**, one of the North American migratory flyways cuts through Richland Hills, providing special opportunities for residents and tourists alike to witness and appreciate bird migration, the varied bird species it brings through our community, and the value of conservation efforts; and

**WHEREAS**, the Smithsonian Migratory Bird Center created World Migratory Bird Day (WMBD) in 1993 as an educational campaign to emphasize migratory bird conservation and raise public awareness of the nearly 350 species that travel between habitats throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S.; and

**WHEREAS**, educational campaigns and public awareness for migratory birds are essential elements of migratory bird conservation, and it would be impactful for Richland Hills to add its voice to the global conversation surrounding this celebration of and urgent need for migratory bird conservation; and

**WHEREAS**, migratory bird conservation efforts help protect the birdwatching industry in our community and across the U.S., which generates millions in recreational dollars annually; and

**WHEREAS**, while WMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and community planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants; and

**WHEREAS**, WMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also it is a call to action for the community to understand, recognize, and care for our migratory bird life.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:**

**SECTION 1.**

The City of Richland Hills will recognize World Migratory Bird Day on Saturday, May 11, 2024.

**SECTION 2.**

The City of Richland Hills supports local organizations in their efforts to leverage this resolution recognizing World Migratory Bird Day toward acquiring a Bird City Texas designation from the Texas Parks and Wildlife Department.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on April 22, 2024, by a vote of \_\_\_\_\_ayes, \_\_\_\_\_nays, and \_\_\_\_\_abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE EDWARD LOPEZ, MAYOR

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

# Memorandum

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

From: Kimberly Sylvester, Chief of Police

Date: April 22, 2024

Subject: Donation Bin Regulations

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## **Agenda Item:**

Consider Ordinance 1497-24 adopting Article IX “Regulation and Permitting of Donation Bins” of Chapter 58 “Offenses and Miscellaneous Provisions” and amending Appendix A “Fee Schedule”

## **Background Information:**

Code Compliance staff has received complaints that the outdoor donation bin collection sites throughout the City are not being maintained by business owners who allow them on their premises.

Staff researched cities with ordinances to govern these collection sites' use and care and worked with the City Attorney to draft an ordinance providing enforcement options to prevent overflowing and littering and adopting a permitting process to oversee the program.

The proposed ordinance provides regulations and permitting of donation bins under Chapter 58, Offenses and Miscellaneous Provisions, of the Code of Ordinances.

## **Financial Considerations:**

N/A

## **Legal Review:**

The City Attorney prepared the draft ordinance.

## **Board/Citizen Input:**

N/A

## **Attachments:**

Ordinance 1497-24

**Council Action Requested:**

Motion to approve Ordinance 1497-24 adopting Article IX "Regulation and Permitting of Donation Bins" of Chapter 58 "Offenses and Miscellaneous Provisions" and amending Appendix A "Fee Schedule"

**ORDINANCE NO. 1497-24**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, ADOPTING ARTICLE IX "REGULATION AND PERMITTING OF DONATION BINS" OF CHAPTER 58 "OFFENSES AND MISCELLANEOUS PROVISIONS" AND AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES, CITY OF RICHLAND HILLS, TEXAS, BY DEFINING DONATION BINS; ESTABLISHING PERMIT AND APPLICATION REQUIREMENTS; PROVIDING FOR LOCATION RESTRICTIONS; REMOVING A PERMIT FEE FOR ON PREMISES BINS; CREATING A REVOCATION AND APPEAL PROCESS; PROVIDING REQUIREMENTS FOR MAINTENANCE OF THE DONATION BINS; PROVIDING CERTAIN FEES; AMENDING ARTICLE VIII OF CHAPTER 58 BY RESERVING SECTIONS 58-175 THROUGH 58-199; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills, Texas (the "City"), 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 City previously enacted an ordinance to regulate and permit the existence of donation bins within the City; and

**WHEREAS**, the City believes it necessary to clarify the appeal and revocation process for the permits regulated in that ordinance; and

**WHEREAS**, the City recognizes that some businesses wish to have on premises donation bins; and

**WHEREAS**, the City finds that the fee schedule and authorization process need to be clarified; and

**WHEREAS**, City Council finds that regulating the placement, proximity and use of donation bins is necessary for the health, safety, and welfare of the general public; the promotion of consistent land use development; and the protection of landowners and residents of the City.

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

## SECTION 1.

Article IX “Regulation and Permitting of Donation Bins” of Chapter 58 “Offenses and Miscellaneous Provisions” of the Code of Ordinances, City of Richland Hills, Texas, is hereby adopted in its entirety to read as follows:

### “ARTICLE IX REGULATION AND PERMITTING OF DONATION BINS

#### **§ 58-200 Definitions.**

For purposes of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Donation bin. Any bin, container, building, trailer, or other receptacle larger than forty-eight (48) inches in depth, forty-eight (48) inches in width, and seventy-two (72) inches in height that is intended for use as a collection point for donated clothing or other household materials.

Person. An individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

#### **§ 58-201 Applicability.**

The requirements of this article shall apply to all donation bins regardless of whether said bins were placed prior to the effective date of this article. No previously placed donation bins shall be granted any legally non-conforming rights under this article or any other article of this code. Only warning citations may be issued for the first thirty (30) days following the effective date of this article so that an educational effort by the city may be conducted to inform the public about the importance and requirements of this article.

#### **§ 58-202 Permit and decal required.**

- a) It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation bin within the city limits without having first secured and affixed to the donation bin a permit and decal in compliance with the provisions of this article. Obtaining a permit shall be a condition precedent to placing or maintaining the donation bin.
- b) It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the jurisdiction of the city to authorize or allow any donation bin to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this article.

**§ 58-203 Permit requirements.**

A permit and decal to allow a donation bin to be placed and used on designated real property shall be issued by the city after inspection and verification that all the following conditions are satisfied:

- (1) The real property owner provides written authorization, with the signature notarized, allowing the donation bin on the property.
- (2) The permit holder agrees to be responsible for collecting the contents of the donation bin in order to prevent overflow and littering.
- (3) No more than one (1) donation bin may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the city manager shall treat the shopping center or office development as if it is only one contiguous lot.
- (4) The base area of a donation bin shall not exceed twenty-five (25) square feet in size.
- (5) Each donation bin shall clearly indicate in writing on the side of each bin that all donations must fit into and be placed within the donation bin.
- (6) The permit holder placing or maintaining the donation bin shall display current contact information including street address and phone number on the donation bin. Said information must be readable and clearly visible to the public.
- (7) Each donation bin shall be constructed from a sturdy, weather resistant material.
- (8) Each donation bin shall be painted one solid color. No fluorescent colors shall be used for the donation bin or associated signage.

**§ 58-204 Application or permits.**

- a) Applicants for permits under this article shall file a written, sworn application with the city. The application shall include the written authorization of the property owner allowing the donation bin on the property.
- b) A separate permit and application shall be required for each donation bin regardless of ownership. Permits issued under the provisions of this article shall be valid only at the address stated on the permit.
- c) An annual permit fee for each donation bin shall be required, at a cost as provided in Appendix A. All permits shall expire on December 31 of each calendar year

regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month for which the permit is issued.

d) No fee will be required when the donation bin is placed on the premises of the same entity it is collecting for.

e) Any person denied a permit shall have the right to appeal such action.

**§ 58-205      Transfer of permit prohibited.**

No permit issued under the provisions of this article shall be transferrable and the authority a permit confers shall be conferred only on the permit holder named therein.

**§ 58-206      Location restricted.**

a) Donation bins shall only be permitted to be placed on real property in any zoning district on which a parking lot is maintained by a business that is in operation. Only one (1) donation bin will be allowed on a shared parking lot. The donation bin shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement, or fire lane.

b) The placement of the donation bin shall not impede traffic nor visually impair any motor vehicle operating within a parking lot, driveway, or street.

c) At least one stacking or parking space shall be required for use of persons accessing the donation bin.

d) The donation bin may not block or occupy any number of parking spaces required by the primary use structure.

e) No donation bin shall be permitted to be placed or remain placed within two hundred (200) feet from a residential zoning district, or residential use. The distance shall be measured from the donation bin to the lot line of the residential use or residentially zoned property.

**§ 58-207      Impoundment of donation bins.**

Any donation bin located within the city that does not have a current, valid permit or any permitted donation bin that has received more than two (2) notices of violation from the city in the past twelve (12) months shall be subject to impoundment by the city, at a cost as provided in Appendix A. Any donation bin impounded by the city will be released to the owner upon payment of all actual costs incurred by the city for the impoundment and storage fees of \$20.00 per calendar day of storage. If a donation bin is impounded for longer than fifteen (15) calendar days, it shall be considered abandoned property subject to disposal or sale at the city's sole discretion.

**§ 58-208 Maintenance and upkeep.**

- a) The permit holder and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation bin and clean up and removal of any donations left on the property outside of the donation bin. Any maintenance, service or cleanup associated with a donation bin shall be completed within forty-eight (48) hours of notification by the city.
- b) The city shall have the authority to abate any property in violation of this article that is deemed a public nuisance under any other provisions of this code.
- c) The visual and structural integrity of the donation bin must be maintained continuously.
- d) The donation bin shall only be used for the solicitation and collection of clothing and household materials. All donation materials must fit into and be placed inside the donation bin. The collection or storage of any materials outside the container is strictly prohibited.
- e) The donation bin shall be continuously maintained in compliance with all requirements imposed by Section 58-203 as amended.

**§ 58-209 Revocation of permit.**

The city manager shall revoke a donation bin permit if the manager determines that the permit holder has:

- (1) Given false or inaccurate information on the application for a donation bin permit or in a hearing concerning the donation bin permit; or
- (2) Violated the provisions of this article.

**§ 58-210 Appeal from denial or revocation of permit.**

If the city manager denies or revokes a donation bin permit, the city shall give notice by personal service or by certified mail, return receipt requested, to the applicant or permit holder. The applicant or permit holder may appeal the decision to deny or revoke by filing written notice with the city manager, within five (5) days after receipt of notice. The city manager shall mail, or cause to be personally delivered, written notice of the time and place of the hearing to the person appealing. The notice shall be mailed to the address specified in the notice of appeal form. The city manager shall conduct a hearing and shall decide on the basis of a preponderance of the evidence presented at the hearing. The decision of the city manager shall be final.

## SECTION 2.

Appendix A “Fee Schedule” of the Code of Ordinances, City of Richland Hills, Texas, is hereby amended by adding a new table “Chapter 58 Donation Bin Fees” to read as follows:

| CHAPTER 58. DONATION BIN FEES |                   |        |
|-------------------------------|-------------------|--------|
| Code Section                  | Description       | Amount |
| § 58-204                      | Annual permit fee | \$200  |
| § 58-204                      | Impoundment fee   | \$200  |
| § 58-207                      | Daily storage fee | \$20   |

## SECTION 3.

Article VIII “Street Racing and Reckless Driving Exhibitions” of Chapter 58 “Offenses and Miscellaneous Provisions” of the Code of Ordinances, City of Richland Hills, Texas, is hereby amended by reserving Sections 58-175 through 58-199 as follows:

“§ 58-175 through § 58-199. – (Reserved)”

## SECTION 4. ORDINANCE 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 is Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

## SECTION 5. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

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 parking 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. 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 6.  
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offence. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8.  
PUBLICATION CLAUSE**

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

**SECTION 9.  
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.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on April 22, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR EDWARD LOPEZ

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

# Memorandum

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

From: Kip Dernovich, Director of Public Works and Capital Projects

Date: April 22, 2024

Subject: Public Works/ Parks Fence Bid Award

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## **Agenda Item:**

Consider award of bid to Rollins Fence Company for the demolition and reconstruction of the Public Works maintenance yard fence and fences at city parks and facilities in the amount of \$160,000

## **Background Information:**

During the FY 2024 Budget process, City Council approved funding in the amount of \$125,000 for the demolition and reconstruction of the fence around the Public Works maintenance yard. In addition, the Parks and Recreation Department received \$37,000 in funding for the demolition and replacement of fences at Kate Baker Park, Creek Trail Park, Windmill Park and the Library.

Staff believed that combining the two projects would create economies of scale and ultimately create a lower cost to the City. A request for sealed bids was issued for the Richland Hills Fence Project (Public Works / Parks) in March of 2024. Three (3) responses were received. After evaluation of the bids, it was determined that Rollins Fence Company had submitted the best value bid at \$160,000.

Rollins Fence Company successfully completed vetting by City staff. They have done multiple fence projects within the DFW Metro area as well as numerous fence projects for the City of Richland Hills (Animal Services Center, City parks, and the Public Works resource lot). All references spoke highly of the professionalism and quality of work provided by Rollins Fence Company.

## **Financial Considerations:**

Rollins Fence Company submitted a bid proposal in the amount of \$160,000. The FY 2024 Budget contains funding in the amount of \$162,000 for fence replacement (\$125,000 in the Utility Fund and \$37,000 in the Oil & Gas Fund).

## **Legal Review:**

N/A

**Board/Citizen Input:**

N/A

**Attachments:**

Bid Tabulation Sheet

**Council Action Requested:**

Motion to award bid to Rollins Fence Company for the demolition and reconstruction of the Public Works maintenance yard fence and fences at city parks and facilities in the amount of \$160,000

| <u>Location</u>     | <u>Talbert Rodd</u> | <u>Fence Fanatics</u> | <u>Rollins</u>      |
|---------------------|---------------------|-----------------------|---------------------|
| <u>Public Works</u> |                     |                       |                     |
| Retaining Wall      | \$213,390.00        | \$107,500.00          | \$120,220.00        |
|                     | <u>\$213,390.00</u> | <u>\$107,500.00</u>   | <u>\$120,220.00</u> |
| <b>Sub-Total</b>    |                     |                       |                     |
| <u>Parks</u>        |                     |                       |                     |
| Kate Baker          | \$17,299.00         | \$14,540.00           | \$10,200.00         |
| Library             | \$11,026.80         | \$14,540.00           | \$10,200.00         |
| Creek Trail         | \$5,145.84          | \$14,540.00           | \$4,760.00          |
| Windmill            | \$15,805.08         | \$14,540.00           | \$14,620.00         |
|                     | <u>\$15,805.08</u>  | <u>\$14,540.00</u>    | <u>\$14,620.00</u>  |
| <b>Sub-Total</b>    | \$49,276.72         | \$58,160.00           | \$39,780.00         |
| <b>GRAND TOTAL</b>  | \$262,666.72        | \$165,660.00          | \$160,000.00        |

# Memorandum

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

From: Kip Dernovich, Director of Public Works and Capital Projects

Date: April 22, 2024

Subject: Atmos Gas Line Relocation – Auxiliary Power at Rena Water Tank

---

## **Agenda Item:**

Consider agreement with Atmos Energy for the relocation of gas lines adjacent to Rena Road in conjunction with auxiliary power installation at the Rena Water Tank in the amount not to exceed \$74,355

## **Background Information:**

On February 14, 2021, Texas experienced an unprecedented winter storm that resulted in the loss of the power grid for up to five (5) days in some areas. In response to the event, the Texas Legislature passed Senate Bill 3 mandating all water systems have contingency plans in place to maintain sufficient water supplies. For many water systems, this included the addition of auxiliary power to support water production.

The City of Richland Hills received \$1,970,642 in fiscal recovery funds as provided in the American Rescue Plan Act (ARPA) of 2021. The funds are intended to help the City combat the COVID-19 pandemic, including ongoing public health and economic impacts. Specifically, the Act allows local government entities to use the funds to make necessary investments in water, sewer, or broadband infrastructure. On January 24, 2022, City Council approved Resolution 549-22 allocating ARPA funds towards water system improvements needed to comply with Senate Bill 3.

The project includes the installation of generators, along with the required electrical and structural components, at all the well sites/pump stations. This project also includes the ability to provide power to SCADA equipment associated with our elevated storage tanks.

On January 23, 2023, the City awarded Angiel Electrical Construction Corporation a bid for \$1,435,000 to install auxiliary power at City water facilities. To date, the Booth and Park location generators have been installed. We are awaiting gas line relocation and then Rena can be installed.

Atmos Energy recently brought to the City's attention that the relocation of gas lines adjacent to Rena Road in conjunction with auxiliary power installation at the Rena Water Tank would be at the City's cost. This is due to the relocation of Atmos' gas lines not being related to a city right-of-way project as outlined in the City's Franchise Agreement.

Both City Staff and the City Engineer have done extensive analysis on potential locations for the Rena Water Tank auxiliary power generator. Due to the size of the generator, overhead power lines, underground water lines, and access needed to service the generator, the location along Rena was deemed the best location.

**Financial Considerations:**

The proposed cost of the gas line relocation is not to exceed \$74,355. For this price, Atmos will remove approximately 65 linear feet of intermediate pressure 2-inch poly distribution main. Atmos will in turn install 90 linear feet of 2-inch HDPE replacement line. Funding is available from interest earned on original American Rescue Plan Act (ARPA) funding received in August 2022 and August 2023.

To date, approximately \$78,000.00 has been earned in interest on original ARPA funding for water related projects. Per the City Interim Finance Director, there is enough interest funding to cover the cost of this Atmos service.

**Legal Review:**

The City Attorney has reviewed the City's Franchise Agreement with Atmos Energy as well as the proposed agreement. The City Attorney believes that Atmos Energy is acting within their rights to charge for services per Atmos' Franchise Agreement.

**Board/Citizen Input:**

N/A

**Attachments:**

Proposed Atmos Relocation Agreement

**Council Action Requested:**

Motion to approve agreement with Atmos Energy for the relocation of gas lines adjacent to Rena Road in conjunction with auxiliary power installation at the Rena Water Tank in the amount not to exceed \$74,355

RELOCATION AGREEMENT Project 080.84680

RELOCATION AGREEMENT

Project 080.84680

Rena Dr, Richland Hills 76118

Atmos Energy Corporation, ("Company") and Richland Hills ("Applicant"), whose address is 3200 Diana Dr, Richland Hills, TX 76118 for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The company will retire and remove approximately 65 linear feet of Company's Intermediate Pressure 2-inch Poly Distribution Main located along Rena Dr in Road Right of Way. Company will install approximately 90 feet of 2-inch HDPE in Road Right of Way to allow for clearance of the construction of a proposed Generator, to be owned by the City of Richland Hills, 3200 Diana Dr, Richland Hills, TX 76118
2. (the "Project"). A description of the relocation is shown on Exhibit "A1," attached and made a part hereof.
3. Upon execution of this Agreement, Applicant will provide a one-time payment to Company of \$74,354 as reimbursement for completion of the 65 linear feet Relocation Project as described above.
4. If easements are required, Applicant will provide Company two executed and notarized originals of the easement. Applicant will provide Easement exhibits in the form of a certified (Texas Registered Professional Land Surveyor) plat and metes/bounds description of the new easement. In addition, Applicant agrees to provide Company necessary temporary working easement and access to easement in order to design & construct Project.
5. Company's obligation to undertake the Project is subject to applicable laws, rules, and regulations of governmental authorities and to any delay occasioned by force majeure or events or conditions of whatever nature, which are reasonably beyond Company's control. Applicant understands that Company will not be obligated or required to undertake the Project prior to the construction of projects covered by contracts and authorizations that were entered into by Company prior to the date of execution of this Agreement by Company (the "Effective Date"), the construction of projects required to be constructed by the provisions of Company's franchise, or construction or repair required to maintain existing service.

RELOCATION AGREEMENT Project 080.84680

6. Applicant will be responsible for any landscape restoration work required after Company has completed the Project, unless specifically stated in the project scope. Applicant agrees to hold Company harmless from any and all claims, demands, or judgments by other parties as a result of such restoration.
7. Title to the Project, including appurtenances, connections thereto, and extensions thereof, and including the right to use, operate, and maintain the same, will forever be and remain exclusively and unconditionally vested in Company, its successors and assigns.
8. Applicant will be responsible for any additional costs incurred by Company because of Applicant's failure to perform any of the obligations required of Applicant under this Agreement.
9. THIS AGREEMENT WILL BE CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, IRRESPECTIVE OF ANY CONFLICT OF LAWS PROVISIONS.
10. In no event will any party hereto be liable to any other party hereto or any third party for any incidental, special, indirect, consequential, punitive, or exemplary damages that might occur as a result of, relating to, or arising out of such party's obligations under this Letter Agreement.
11. This Agreement constitutes the final expression of agreement between the parties and parol or extrinsic evidence is inadmissible to explain, vary, or contradict the express terms of this Agreement.

If the foregoing terms are acceptable to Applicant, please indicate by signing two (2) copies of this Relocation Agreement in the spaces provided below and return both to this office for execution by Atmos Energy. It is understood and agreed that this Relocation Agreement is conditioned on the approval of Atmos Energy's management as evidenced by Atmos Energy's execution in the space provided below. Following Atmos Energy's execution, one (1) fully executed original of this Letter Agreement will be returned for your file.

APPLICANT

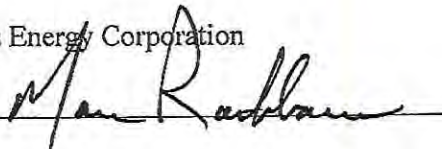
By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Atmos Energy Corporation

By:  \_\_\_\_\_

Printed Name: Marc Rothbauer

Title: Director of Engineering

Date: 12/18/2023

RELOCATION AGREEMENT Project 080.84680

Relocation Agreement

Exhibit "A-1"

Proposed Relocation of Atmos Energy Natural Gas Facilities for the proposed Generator, located along Rena Dr in Richland Hills, TX 76118.

Remove approximately 65 linear feet of Company's Intermediate Pressure 2-inch Poly Distribution Main. The company will install approximately 90 feet of 2 inch HDPE in Road Right of Way to allow for clearance of a proposed Generator, to be owned by the City of Richland Hills.

| Income Tax Adjustment & Franchise Fee Adjustment Calculator |                    |
|-------------------------------------------------------------|--------------------|
| Project #:                                                  | 80.8468            |
| City List Updated:                                          | 6/9/2023           |
| Project Title:                                              | Generator, Rena Dr |
| City:                                                       | Richland Hills     |
| Customer Type:                                              | Commercial         |
| Total Cost including indirects:                             | \$ 67,095.00       |
| Project Cost:                                               | \$ 67,095.00       |
| Income Tax Adjustment:                                      | \$ 7,259.68        |
| Franchise Fee Adjustment:                                   | \$ -               |
| TOTAL CHARGE:                                               | \$ 74,354.68       |
| Project Notes:                                              |                    |
|                                                             |                    |
|                                                             |                    |
|                                                             |                    |
|                                                             |                    |
|                                                             |                    |

Income Tax Adjustment => 10.820%  
Franchise Fee Adjustment => 0.000%

# Memorandum

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

From: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: 3012 Elm Park – ZBA Decision Appeal (2024-0116)

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## **Agenda Item:**

Consider an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0116, a variance to decrease the front and side yard setback requirement for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118

## **Background Information:**

On April 2, 2024, the Richland Hills Zoning Board of Adjustment held a public hearing to consider a request for a variance to decrease the front and side yard setback requirements for 3012 Elm Park. The applicant submitted permits proposing to construct a covered front porch and expand the main living area of the residence. During preliminary building plan review, it was determined that the proposed construction would encroach into the front and side yard setbacks.

Subsequently, the applicant requested variances to decrease the front yard setback of 25 feet to 18 feet 6 inches and the side yard setback of 8 feet to 6 feet 1 inch. This request was approved by a vote of 4 in favor and 0 against with 0 abstaining.

*According to Article 5 Development Review Bodies, Section 5.03 Board of Adjustment:*

(C,3, a) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.

(C,3, b) Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

The City has the authority to pursue an appeal to any decision made by the Zoning Board of Adjustment if they are not in agreement with the decision made. If an appeal to a decision is pursued, grounds as to why this decision is illegitimate will need to be established.

## Appeal Justification:

According to *Article 6, Development Review Procedures, Section 6.12 Zoning Variance*:

(B) Variance criteria. **No zoning variance shall be granted** without first having given public notice and having held a public hearing on the zoning variance request in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications, and **unless the board of adjustment finds all the following criteria are met:**

(1) Unique circumstances. That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.

(2) Minimum necessary relief required to alleviate the undue hardship. The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

(3) Preservation of property rights. That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(4) No substantial detriment to the public good. That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the comprehensive plan or be injurious to other property within the area.

(5) Orderly use of land. That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.

(6) Precedent. The granting of an individual zoning variance will not set a precedent.

(7) Finding of undue hardship. In order to grant a zoning variance, the board of adjustment must make findings that an undue hardship exists, using the following criteria:

(a) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and

(b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

(c) That the relief sought will not injure the permitted use of adjacent conforming property; and

(d) That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.

(e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

When reviewing the Board of Adjustment's decision to approve the subject variances, the Zoning Administrator determined that the Board failed to appropriately apply all the criteria listed above.

Further, Section 1.06.06(D) sets forth the restrictions on the expansion of a nonconforming structure:

(D) Nonconforming building expansion with conforming uses. Buildings or structures that do not conform to the area regulations or development standards in this Ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten percent from the date when the building became nonconforming. The expansion must be conforming.

The granting of the variance amounts to the Board rewriting the City's Zoning Ordinance by failing to consider the requirement that nonconforming structures only be expanded to be conforming as required by Section 1.06.06(D).

Therefore, it is the recommendation of the Zoning Administrator that the City Council seek an appeal to the Board of Adjustment's decision to approve the requested variances.

### **Financial Considerations:**

Additional legal fees will be required if an appeal to District Court is pursued.

### **Legal Review:**

The City Attorney has reviewed ZBA Case 2024-0116 and supports the Zoning Administrator's recommendation to pursue an appeal. Due to the ten-day filing requirement, the City Attorney has already filed an appeal in District Court. The appeal will remain in the court records if approved by City Council but can be repealed if Council chooses not to seek an appeal.

### **Board/Citizen Input:**

April 2, 2024: The Zoning Board of Adjustment approved the variance requests to decrease the front and side yard setback requirements for 3012 Elm Park by a vote of 4-0.

### **Attachments:**

Plans  
Property Photo  
Decision Letter  
Section 5.03 - Board of Adjustment  
Section 6.12 - Zoning Variance

### **Council Action Requested:**

Motion to pursue an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0116, a variance to decrease the front and side yard setback requirement for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118



## Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118  
817-616-3800 | richlandhills.com

### Zoning Board of Adjustment Application

#### Application Type

☐ Special Exception - Zoning

☐ Special Exception - Sign

☒ Variance

#### Property Owner Information

Name: Ivan Hernandez Ramirez

Address: 3012 Elm Park Richland Hills, Tx 76118

Phone: 817 500 3259 Email Address: ivanhrgeneral@icloud.com

I, the undersigned owner or authorized agent of the following described real property, located in the City of Richland Hills, Texas, hereby make application for a request for a special exception/variance from Section 6.12.01 of the Richland Hills Code of Ordinances.

Signature: Ivan Hernandez Ramirez Date: 2/12/24

#### Applicant/Tenant Information

Name: Ivan Hernandez Ramirez

Address: 3012 Elm Park Richland Hills, Tx 76118

Phone: 817 500 3259 Email Address: ivanhrgeneral@icloud.com

Detailed description of request: I want to expand my living room 15-4x10-6 and would like to expand the existing structure.

#### Acknowledgement

I have read this application form and understand that filing the application does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a special exception or variance.

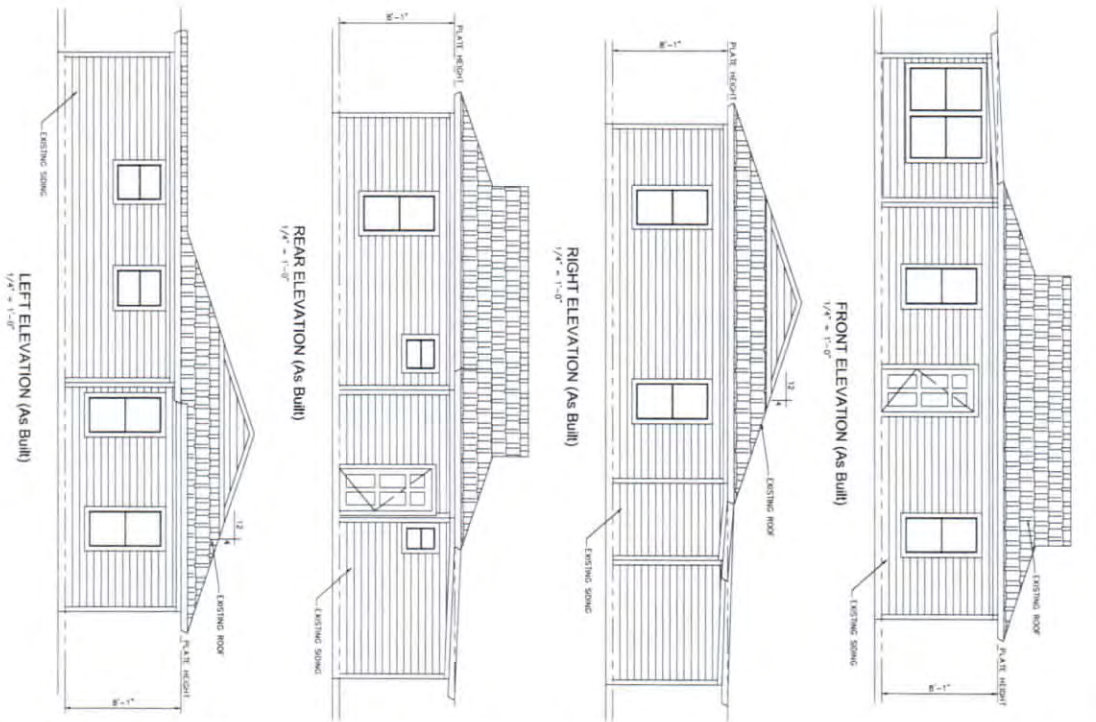
Signature: Ivan Hernandez Ramirez Date: 2/12/24

#### For Office Use Only

Received by: Wang Fee Paid: \$300.00 Case Number: 20240116

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

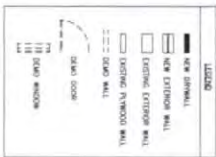
Comments: \_\_\_\_\_



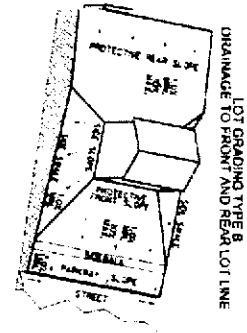
| WINDOW SCHEDULE |             |
|-----------------|-------------|
| WINDOW SIZE     | REMARKS     |
| ① 3'-0" x 5'-0" | SINGLE HUNG |
| ② 3'-0" x 3'-0" | SINGLE HUNG |
| ③ 2'-6" x 3'-0" | SINGLE HUNG |
| ④ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑤ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑥ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑦ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑧ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑨ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑩ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑪ 2'-6" x 3'-0" | SINGLE HUNG |
| ⑫ 2'-6" x 3'-0" | SINGLE HUNG |

| DOOR SCHEDULE   |         |
|-----------------|---------|
| DOOR SIZE       | REMARKS |
| ① 3'-0" x 8'-0" | ENTRY   |
| ② 3'-0" x 8'-0" | ENTRY   |
| ③ 3'-0" x 8'-0" | ENTRY   |
| ④ 3'-0" x 8'-0" | ENTRY   |
| ⑤ 3'-0" x 8'-0" | ENTRY   |
| ⑥ 3'-0" x 8'-0" | ENTRY   |
| ⑦ 3'-0" x 8'-0" | ENTRY   |
| ⑧ 3'-0" x 8'-0" | ENTRY   |
| ⑨ 3'-0" x 8'-0" | ENTRY   |
| ⑩ 3'-0" x 8'-0" | ENTRY   |
| ⑪ 3'-0" x 8'-0" | ENTRY   |
| ⑫ 3'-0" x 8'-0" | ENTRY   |

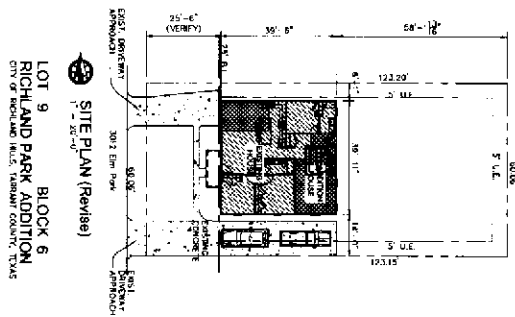
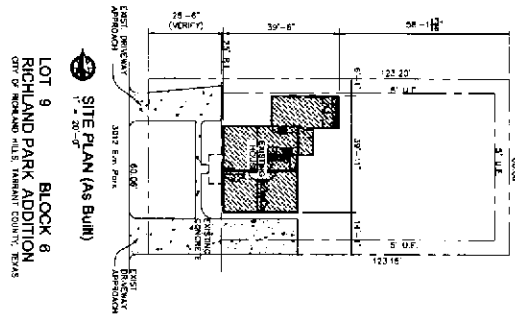
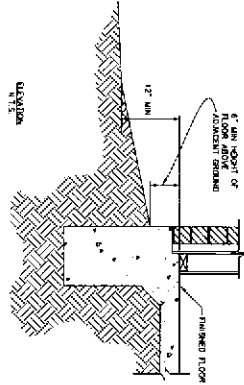
| LEGEND                   |               |
|--------------------------|---------------|
| EXISTING FLOOR PLAN AREA | 1,049 SQ. FT. |
| EXISTING PORCH AREA      | 1,049 SQ. FT. |
| TOTAL AREA               | 2,098 SQ. FT. |



|                                                               |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |
|---------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| PROJECT NAME:<br>3012 Elm Park<br>RICHLAND HILLS, TEXAS 76118 | DATE:<br>November 18, 2023 | REVISIONS:<br>1.0<br>2.0<br>3.0<br>4.0<br>5.0<br>6.0<br>7.0<br>8.0<br>9.0<br>10.0<br>11.0<br>12.0<br>13.0<br>14.0<br>15.0<br>16.0<br>17.0<br>18.0<br>19.0<br>20.0<br>21.0<br>22.0<br>23.0<br>24.0<br>25.0<br>26.0<br>27.0<br>28.0<br>29.0<br>30.0<br>31.0<br>32.0<br>33.0<br>34.0<br>35.0<br>36.0<br>37.0<br>38.0<br>39.0<br>40.0<br>41.0<br>42.0<br>43.0<br>44.0<br>45.0<br>46.0<br>47.0<br>48.0<br>49.0<br>50.0<br>51.0<br>52.0<br>53.0<br>54.0<br>55.0<br>56.0<br>57.0<br>58.0<br>59.0<br>60.0<br>61.0<br>62.0<br>63.0<br>64.0<br>65.0<br>66.0<br>67.0<br>68.0<br>69.0<br>70.0<br>71.0<br>72.0<br>73.0<br>74.0<br>75.0<br>76.0<br>77.0<br>78.0<br>79.0<br>80.0<br>81.0<br>82.0<br>83.0<br>84.0<br>85.0<br>86.0<br>87.0<br>88.0<br>89.0<br>90.0<br>91.0<br>92.0<br>93.0<br>94.0<br>95.0<br>96.0<br>97.0<br>98.0<br>99.0<br>100.0 | PROJECT NO.<br>A2.0 |
|---------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|



The proposed grading plan for the subject property is shown in the attached drawings. The plan shows the existing ground surface and the proposed finished floor of the building. The plan also shows the proposed drainage system, which includes a stormwater management system and a sanitary sewer system. The plan is designed to ensure that the property is properly drained and that the surrounding area is not affected by the proposed development.



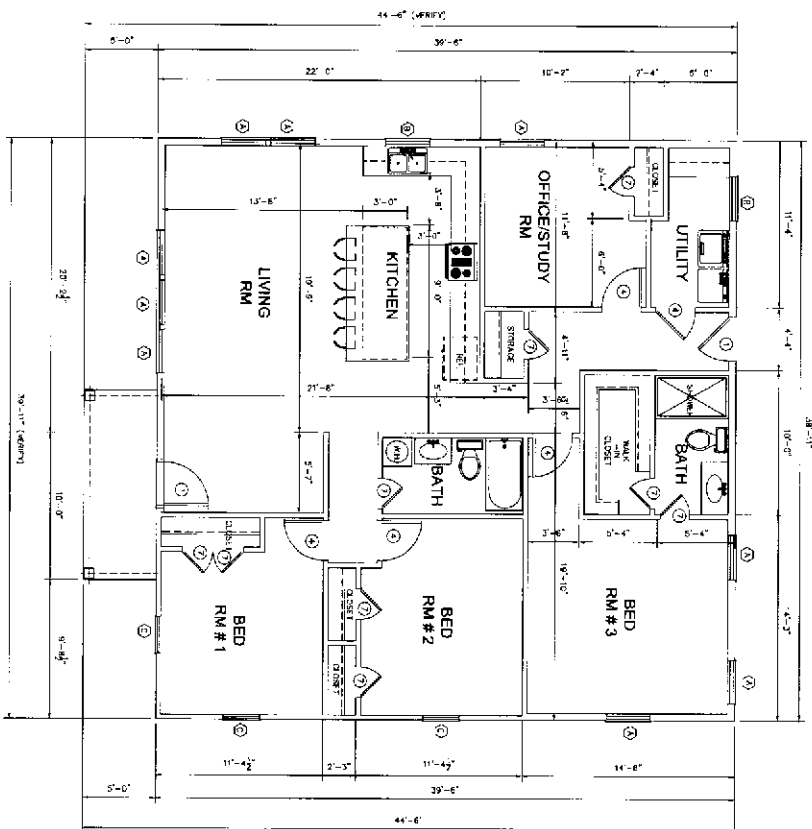
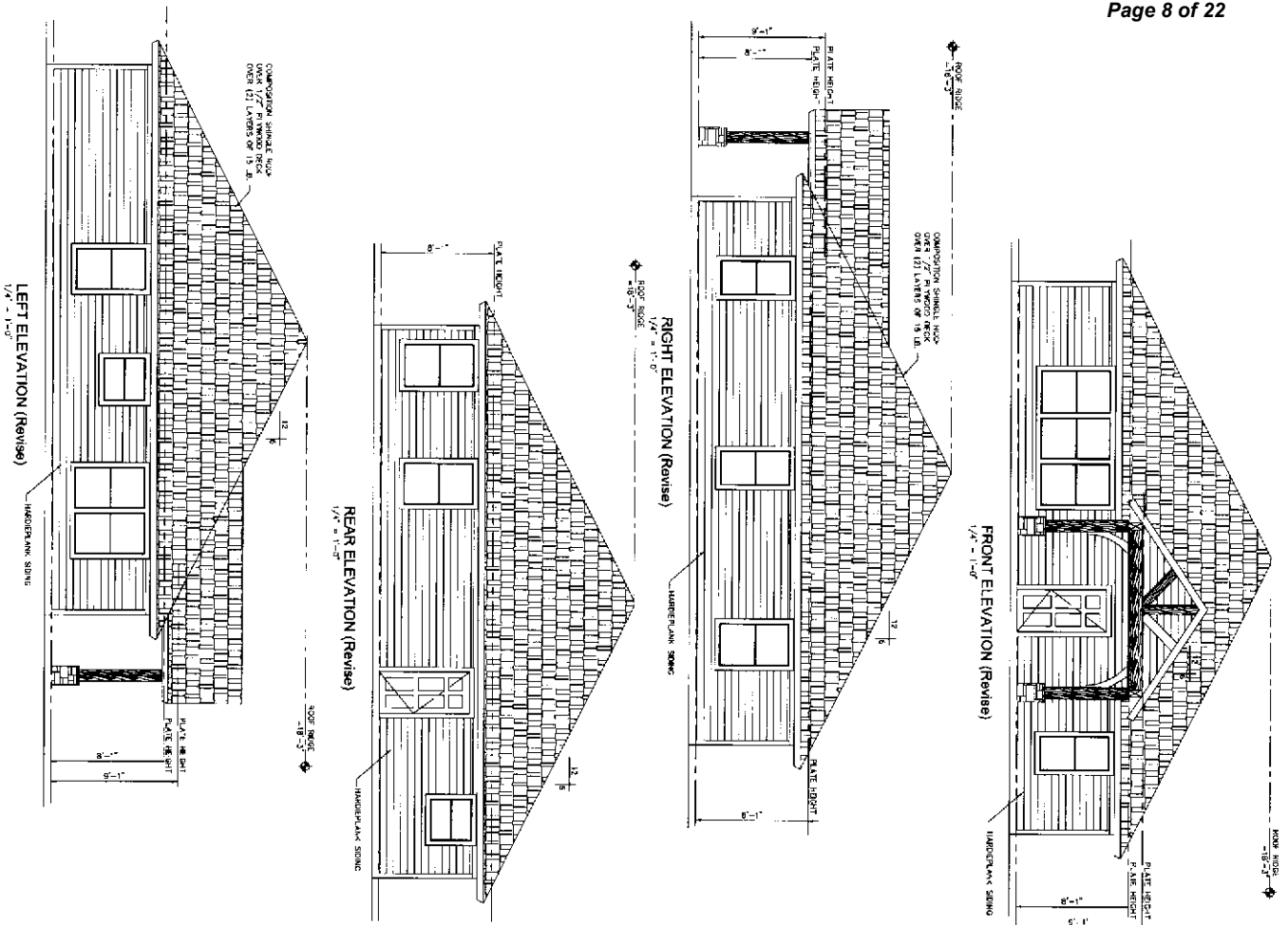
BOARD OF SUPERVISORS  
RICHLAND HILLS  
CITY OF RICHLAND HILLS  
P.O. BOX 10000  
RICHLAND HILLS, TEXAS 76111

NEW ADDITION AND REMODELING  
3012 Elm Park  
RICHLAND HILLS, TEXAS 76118

SHEET NAME:  
SITE PLAN (As Built)  
SITE PLAN (Revised)

A1.0





| NAME | SIZE                           | REMARKS     |
|------|--------------------------------|-------------|
| (A)  | $3 \times 0 \times 5 \times 0$ | SINGLE HUNG |
| (B)  | $3 \times 0 \times 5 \times 0$ | SINGLE HUNG |
| (C)  | $2 \times 4 \times 5 \times 0$ | SINGLE HUNG |
| (D)  | $2 \times 6 \times 3 \times 0$ | SINGLE HUNG |
| (E)  | $3 \times 0 \times 4 \times 0$ | SINGLE HUNG |
| (F)  | $1 \times 6 \times 2 \times 0$ | SINGLE HUNG |
| (G)  | $2 \times 0 \times 2 \times 0$ | SINGLE HUNG |

| MARK | DATE                    | REMARKS            |
|------|-------------------------|--------------------|
| ①    | $3^0-0^0-0^0 = 3^0/4^0$ | EXTENSION          |
| ②    | $2^0-0^0-0^0 = 2^0/4^0$ | EXTENSION          |
| ③    | $3^0-0^0-0^0 = 3^0/4^0$ | EXTENSION          |
| ④    | $2^0-0^0-0^0 = 2^0/4^0$ | EXTENSION          |
| ⑤    | $2^0-0^0-0^0 = 2^0/4^0$ | INTERIOR           |
| ⑥    | $4^0-0^0-0^0 = 4^0/4^0$ | INTERIOR (B-FIELD) |
| ⑦    | $2^0-0^0-0^0 = 2^0/4^0$ | INTERIOR           |

| LEGEND                           |                 |
|----------------------------------|-----------------|
| PERIST. EXISTING BLOCK PLAN AREA |                 |
| LYING AREA                       | = 1,577 SQ. FT. |
| FRONT PORCH                      | = 65 SQ. FT.    |
| TOTAL AREA                       | = 1,642 SQ. FT. |

**FLOOR PLAN (Revise)**  
1/4" = 1'-0"

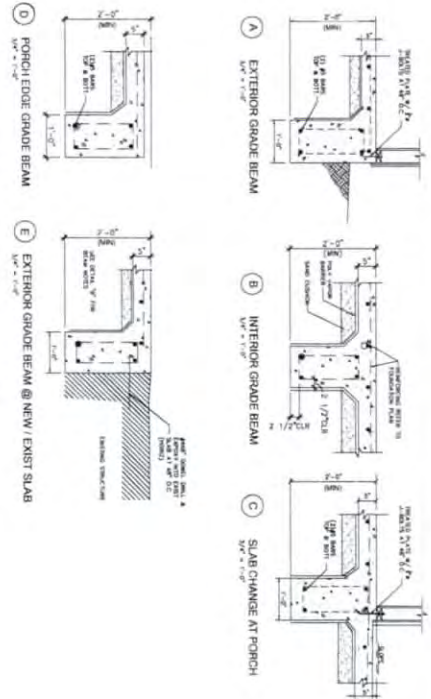
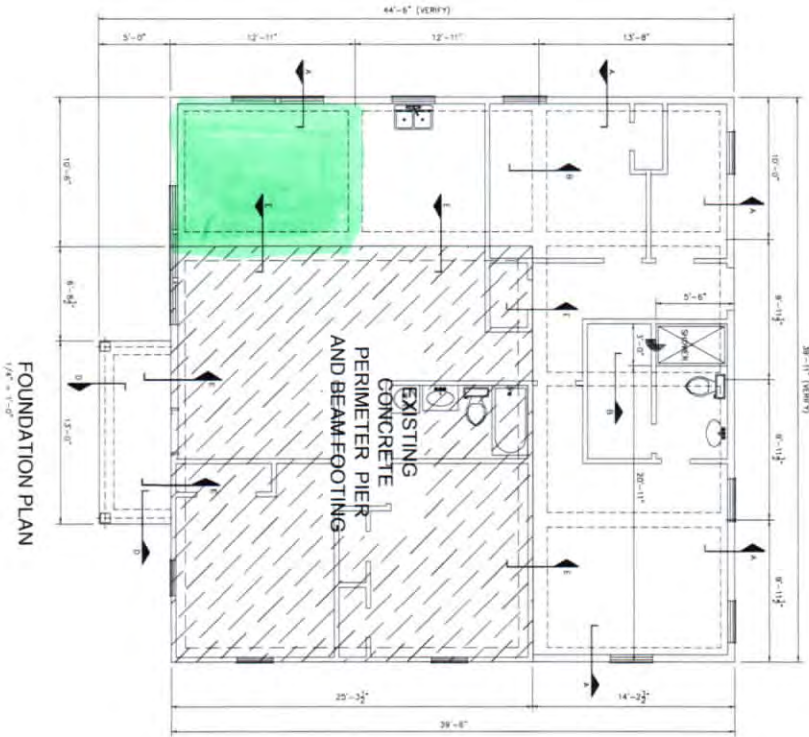
NEW ADDITION AND REMODELING  
3012 Elm Park  
RICHLAND HILLS, TEXAS 76118

APPLICANT IS RESPONSIBLE FOR COMPLYING WITH CITY CODES, ORDINANCES AND ALL OTHER LAWS FOR FULL TITLING.

RICARDO CONSULTING  
RICARDO RAY  
(817) 739-7108  
2720 MARSHALL AVE  
FORT WORTH, TEXAS 76111

**SUBJECT NAME:**  
**FLOOR PLAN (Revised)**  
**EXTERIOR ELEVATION**  
**(Revised)**

### A3.0

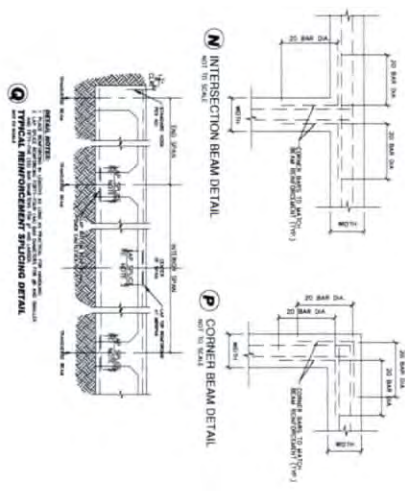


## CONCRETE NOTES

1. ALL STRUCTURAL CONCRETE SHALL BE CLASSIFIED AS NORMAL WEIGHT CONCRETE WITH A UNIT WEIGHT OF 145 LB/CY. FT. CONCRETE MEMBERS SHALL NOT BE LOADED UNTIL THE SPECIFIED STRENGTH HAS BEEN DEVELOPED.
2. ALL CONCRETE SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
3. ALL CAST-IN-PLACE CONCRETE WORK SHALL BE IN ACCORDANCE WITH ACI 308.
4. ALL REINFORCING BARS SHALL BE EPOXY COATED UNLESS OTHERWISE NOTED.
5. CONCRETE REINFORCING BARS SHALL CONFORM TO ASTM A615, GRADE 60 BARS.
6. MINIMUM COVERAGE OF REINFORCING STEEL SHALL BE:
- a. 2" FOR ALL EXTERIOR MEMBERS.
- b. 1 1/2" FOR ALL INTERIOR MEMBERS.
- c. 1" FOR ALL SLAB MEMBERS.
- d. 3/4" FOR ALL JOINTS.
7. ALL CONCRETE SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
8. ALL CONCRETE SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
9. GRADE BEAMS SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
10. ALL CONCRETE SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.

## FOUNDATION GENERAL NOTES

1. FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
2. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
3. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
4. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
5. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
6. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
7. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
8. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
9. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.
10. ALL FOUNDATION SHALL BE PLACED AND COMPACTED TO THE SPECIFIED STRENGTH WITHIN THE SPECIFIED TIME FRAME.



Scott Atwood, PE  
12-06-2023  
Axiom Management & Engineering, Inc  
PO Box 6460, Fort Worth, TX 76115  
Firm #F-3654

SEAL OF THE STATE OF TEXAS  
COTT ALAN ALANWOOD  
70851  
REGISTERED PROFESSIONAL ENGINEER  
EXPIRATION DATE: 12-31-2026

|                              |                           |                         |                                                                                     |
|------------------------------|---------------------------|-------------------------|-------------------------------------------------------------------------------------|
| PROJECT TITLE<br><b>S1.0</b> | DATE<br><b>12-06-2023</b> | REVISIONS<br><b>1.0</b> | NEW ADDITION AND REMODELING<br><b>3012 Elm Park<br/>RICHLAND HILLS, TEXAS 76118</b> |
|------------------------------|---------------------------|-------------------------|-------------------------------------------------------------------------------------|

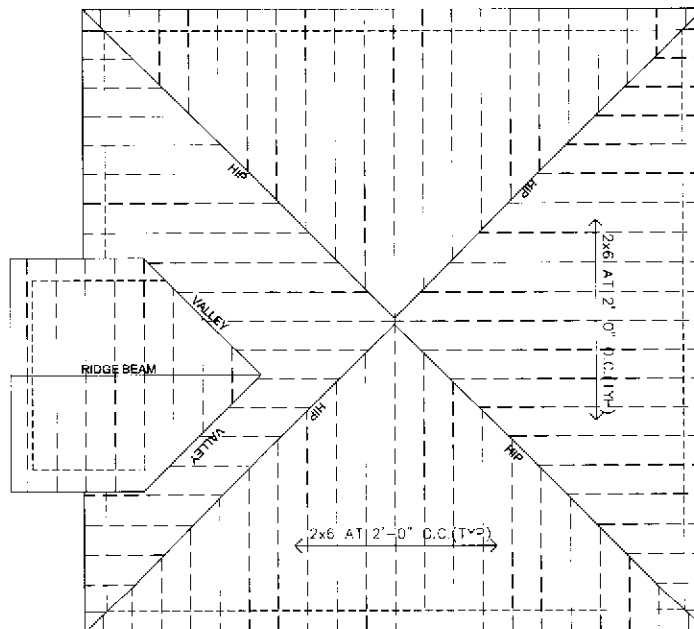
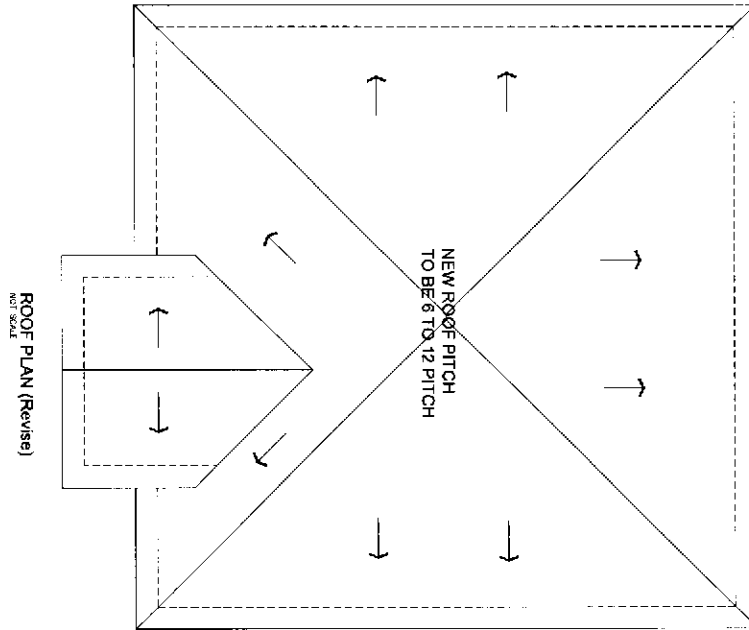
[illegible][illegible]

3. IF REQUIRED SAMSON STUDIO STRAPS MUST BE PREORDERED AND ON SITE PRIOR TO POURING CONCRETE.

[illegible]

Figure 1 is a schematic diagram of the experimental setup. It shows a subject seated at a table, looking at a video screen. A camera is positioned above the screen, and a light source is positioned to the left. A scale bar is shown at the bottom right.

[illegible]



NOTE: Engineer Stamp on this page for Roof Diagram only. Changes to any other schematic drawing on this page shall be allowed without engineers consent or approval.

INCLUDE CONSULTING  
DRAWING NUMBER  
DATE OF DRAWING  
FOR REVIEW, 10/20/2023, 10/11/23

AXIOM IS RESPONSIBLE  
FOR THE DESIGN AND  
CONSTRUCTION OF THE  
PROJECT. THE DESIGN  
AND CONSTRUCTION  
OF THE PROJECT IS  
THE RESPONSIBILITY  
OF THE ENGINEER.

NEW ADDITION AND REMODELING  
3012 Elm Park  
RICHLAND HILLS, TEXAS 76118

DATE: 12-08-2023  
DRAWN BY: J. H. HARRIS  
CHECKED BY: J. H. HARRIS

PROJECT NAME:  
ROOF FRAMING  
& FRAMING

SHEET NO.:  
S2.0

Scott Atwood, P.E.  
12-08-2023  
Axiom Management & Engineering, Inc.  
PO Box 6460, Fort Worth, TX 76115  
817-994-5420  
Firm #F-3054

[illegible]

## LOOSE LINTELS FOR MASONRY SUPPORT

| LOADING CONDITION           | 1"   | 2"   | 3"   | 4"   | 5"   |
|-----------------------------|------|------|------|------|------|
| uniformly distributed loads |      |      |      |      |      |
| 100 lb./sq. ft.             | 1.0  | 1.5  | 2.0  | 2.5  | 3.0  |
| 200 lb./sq. ft.             | 2.0  | 3.0  | 4.0  | 5.0  | 6.0  |
| 300 lb./sq. ft.             | 3.0  | 4.5  | 6.0  | 7.5  | 9.0  |
| 400 lb./sq. ft.             | 4.0  | 6.0  | 8.0  | 10.0 | 12.0 |
| 500 lb./sq. ft.             | 5.0  | 7.5  | 10.0 | 12.5 | 15.0 |
| 600 lb./sq. ft.             | 6.0  | 9.0  | 12.0 | 15.0 | 18.0 |
| 700 lb./sq. ft.             | 7.0  | 10.5 | 14.0 | 17.5 | 21.0 |
| 800 lb./sq. ft.             | 8.0  | 12.0 | 16.0 | 20.0 | 24.0 |
| 900 lb./sq. ft.             | 9.0  | 13.5 | 18.0 | 22.5 | 27.0 |
| 1000 lb./sq. ft.            | 10.0 | 15.0 | 20.0 | 25.0 | 30.0 |
| point loads                 |      |      |      |      |      |
| 1000 lb.                    | 1.0  | 1.5  | 2.0  | 2.5  | 3.0  |
| 2000 lb.                    | 2.0  | 3.0  | 4.0  | 5.0  | 6.0  |
| 3000 lb.                    | 3.0  | 4.5  | 6.0  | 7.5  | 9.0  |
| 4000 lb.                    | 4.0  | 6.0  | 8.0  | 10.0 | 12.0 |
| 5000 lb.                    | 5.0  | 7.5  | 10.0 | 12.5 | 15.0 |
| 6000 lb.                    | 6.0  | 9.0  | 12.0 | 15.0 | 18.0 |
| 7000 lb.                    | 7.0  | 10.5 | 14.0 | 17.5 | 21.0 |
| 8000 lb.                    | 8.0  | 12.0 | 16.0 | 20.0 | 24.0 |
| 9000 lb.                    | 9.0  | 13.5 | 18.0 | 22.5 | 27.0 |
| 10000 lb.                   | 10.0 | 15.0 | 20.0 | 25.0 | 30.0 |

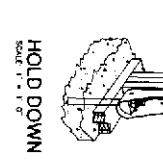
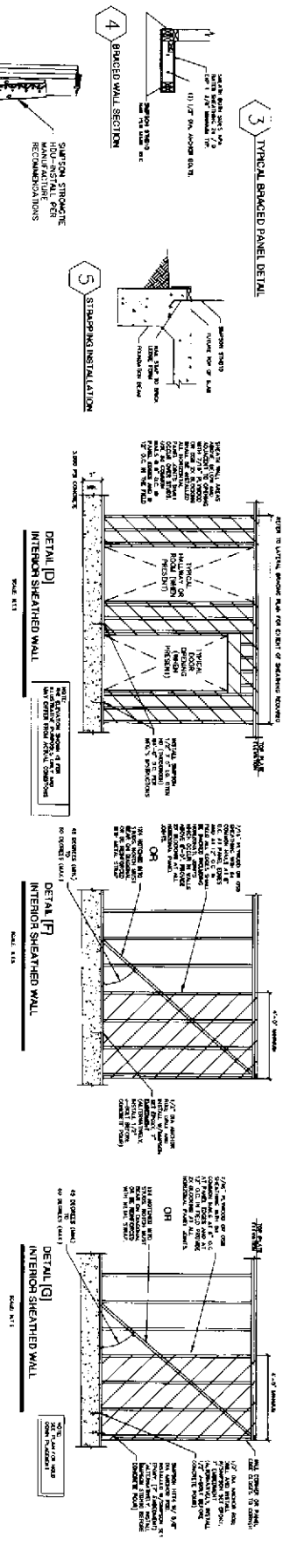
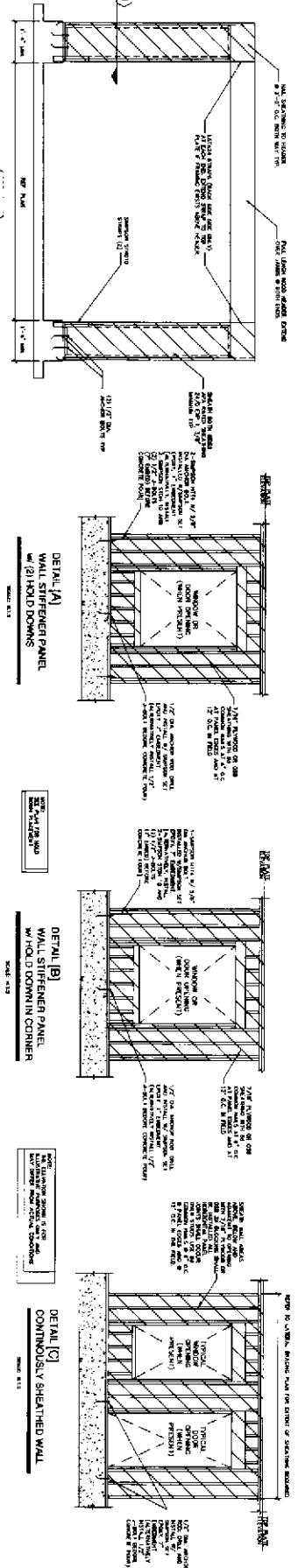
[illegible][illegible]

| SILICA-IMBIBED POLYMER        |                 | LEAD- AND STRONTIUM-IMBIBED POLYMER |                |
|-------------------------------|-----------------|-------------------------------------|----------------|
| ALUMINUM/ANTIMONY RATIO (WTS) | CHARACTERISTICS | EXTENDED WALSLEY                    | WILSON POLYMER |
| 1/2-2.5 (COMMON RANGE)        | 5-7°            | 1-2°-6.5°                           | N/A            |
| 3-10 (COMMON RANGE)           | 8-14°           | 1-2°-10.0°                          | N/A            |
| 10-100 (COMMON RANGE)         | 15-17°          | N/A                                 | 15°-20°        |

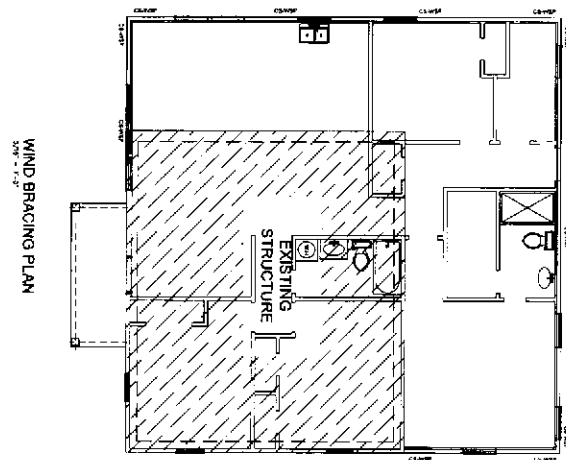
1. THE SPECIFIC NUMBER TO EACH INDICATING OF THE BEARING FOR SILICA POLYMER IS BASED ON THE NUMBER OF ALUMINUM AND ANTIMONY ATOMS PER FORMULA UNIT. THE POLYMER IS THE POLYMERIZATION OF A SILICATE MONOMER WITH AN ALUMINUM AND ANTIMONY COMPOUND AND WATER. CAPTIVE AND FREE HYDROGENS BY LEAD COMPOUND ANALYSIS.

2. THE SPECIFIC NUMBER TO EACH INDICATING OF THE BEARING FOR LEAD- AND STRONTIUM-IMBIBED POLYMER IS BASED ON THE NUMBER OF LEAD AND STRONTIUM ATOMS PER FORMULA UNIT. THE POLYMER IS THE POLYMERIZATION OF A SILICATE MONOMER WITH A LEAD OR STRONTIUM COMPOUND AND WATER. CAPTIVE AND FREE HYDROGENS BY LEAD COMPOUND ANALYSIS.

[illegible][illegible]4TS



- FRAMING GENERAL NOTES:**
1. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS INTENDED TO MEET THE FRAMING REQUIREMENTS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).
  2. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS BASED ON THE ASSUMPTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).
  3. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS BASED ON THE ASSUMPTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).
  4. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS BASED ON THE ASSUMPTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).
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  9. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS BASED ON THE ASSUMPTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).
  10. THE ENGINEER'S DESIGN OF THIS STRUCTURE IS BASED ON THE ASSUMPTIONS OF THE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC).



**PROJECT NAME:**  
WIND BRACING PLAN

**DATE:**  
12-06-2023

**DESIGNER:**  
Scott Atwood, PE

**CLIENT:**  
Atwood Management & Engineering, Inc.

**ADDRESS:**  
3012 Elm Park  
Richland Hills, Texas 76118

**PROJECT NAME:**  
WIND BRACING PLAN

**DATE:**  
12-06-2023

**DESIGNER:**  
Scott Atwood, PE

**CLIENT:**  
Atwood Management & Engineering, Inc.

**ADDRESS:**  
3012 Elm Park  
Richland Hills, Texas 76118

**PROJECT NAME:**  
WIND BRACING PLAN

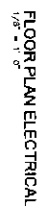
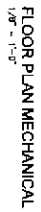
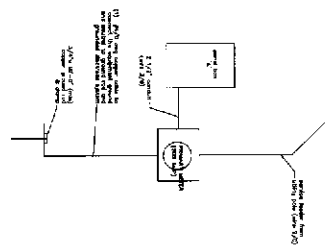
**DATE:**  
12-06-2023

**DESIGNER:**  
Scott Atwood, PE

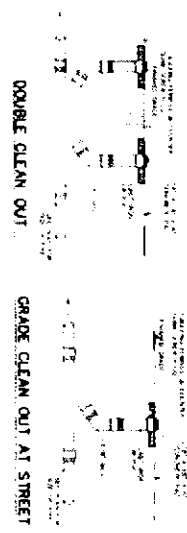
**CLIENT:**  
Atwood Management & Engineering, Inc.

**ADDRESS:**  
3012 Elm Park  
Richland Hills, Texas 76118

The diagram illustrates an electrical piping system. A central pump unit is connected to a motor labeled 'MOTOR 1/2 HP' and a tank labeled 'TANK 1000 GAL'. The pump unit is also connected to a 'PUMP 1000 GAL' unit. The system includes various annotations such as 'PUMP 1000 GAL', 'TANK 1000 GAL', 'MOTOR 1/2 HP', and 'PUMP 1000 GAL'. The diagram is labeled 'ELECTRICAL PIPING DIAGRAM' and 'NOT TO SCALE'.

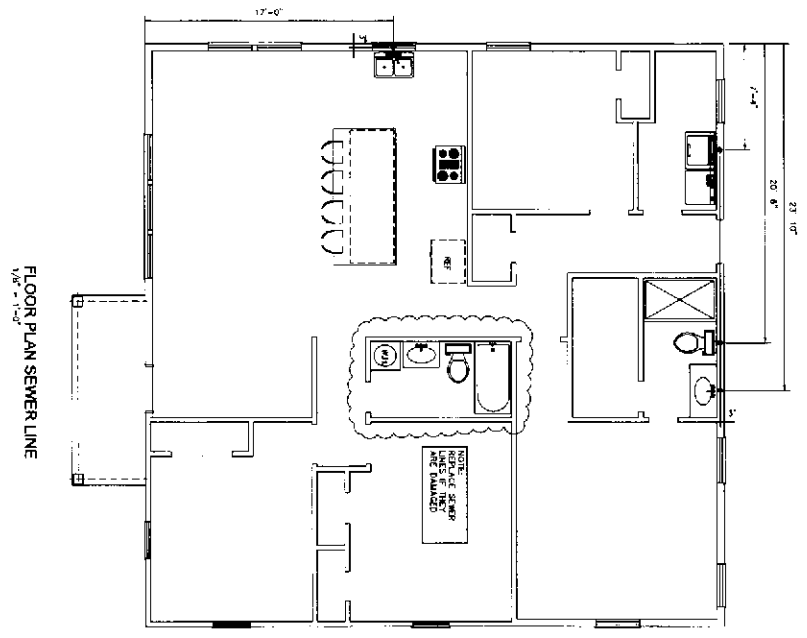


|                                                                                                                                         |                                                                                                                                                         |                                                                                     |                                                                                             |                                                              |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------|
| BUILDING CONSULTING<br>2000 W. 10TH ST.<br>SUITE 100<br>ARLING, TEXAS 76010<br>(817) 758-2100<br>FAX (817) 758-2100<br>WWW.BC-TEXAS.COM | JOHN C. ELLIOTT<br>LICENSED ARCHITECT<br>10000 W. 10TH ST. SUITE 100<br>ARLING, TEXAS 76010<br>(817) 758-2100<br>FAX (817) 758-2100<br>WWW.BC-TEXAS.COM | NEW ADDITION AND REMODELING<br><br>3012 Elm Park<br><br>RICHLAND HILLS, TEXAS 76118 | DATE: 11/11/2009<br>TIME: 10:00 AM<br>DRAWING NO: 1009<br>SHEET NO: 01<br>PROJECT NO: ME-01 | SHEET NAME:<br>ELECTRICAL FLOOR PLAN<br>MECHANICAL EQUIPMENT | SHEET NO.:<br>ME-01 |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------|

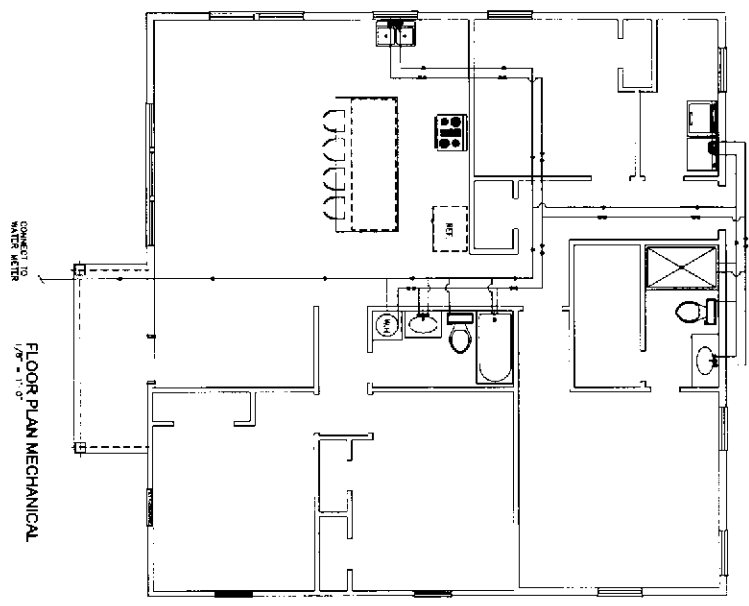


**EXAMINEE'S CERTIFICATION**  
I, the undersigned, being a duly licensed Professional Engineer in the State of Texas, do hereby certify that I am the author of the design and specification herein, and that I am a duly licensed Professional Engineer in the State of Texas.

**GENERAL NOTES:**  
1. EXAMINEE SHALL BE RESPONSIBLE FOR THE DESIGN AND SPECIFICATION OF ALL SEWER AND WATER LINES, INCLUDING ALL NECESSARY PERMITS AND EROSION CONTROL MEASURES. THE EXAMINEE SHALL BE RESPONSIBLE FOR THE DESIGN AND SPECIFICATION OF ALL SEWER AND WATER LINES, INCLUDING ALL NECESSARY PERMITS AND EROSION CONTROL MEASURES. THE EXAMINEE SHALL BE RESPONSIBLE FOR THE DESIGN AND SPECIFICATION OF ALL SEWER AND WATER LINES, INCLUDING ALL NECESSARY PERMITS AND EROSION CONTROL MEASURES.



FLOOR PLAN SEWER LINE  
1/8" = 1'-0"



FLOOR PLAN MECHANICAL  
1/8" = 1'-0"

**PROJECT INFORMATION**  
PROJECT NO. 2024-0116  
DATE: 01/15/2024  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

NEW ADDITION AND REMODELING  
3012 Elm Park  
RICHLAND HILLS, TEXAS 76118

**REVISIONS:**  
1. [Description]  
2. [Description]  
3. [Description]

**DATE:** 01/15/2024  
**BY:** [Name]

**PROJECT NAME:** WATER LINE FLOOR PLAN  
**SEWER LINE FLOOR PLAN**

**SHEET NO.:** P0.1

2.03.03 SF-7 Single-Family Residential.

- (A) Character description. The SF-7 Single-Family Residential District is a single-family housing district in the city with the most dense single-family homes at about four to five homes per acre. Development in this district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.
- (B) Permitted uses. Uses permitted in this district are outlined in section 3.02 Use Chart.
- (C) Other regulations.

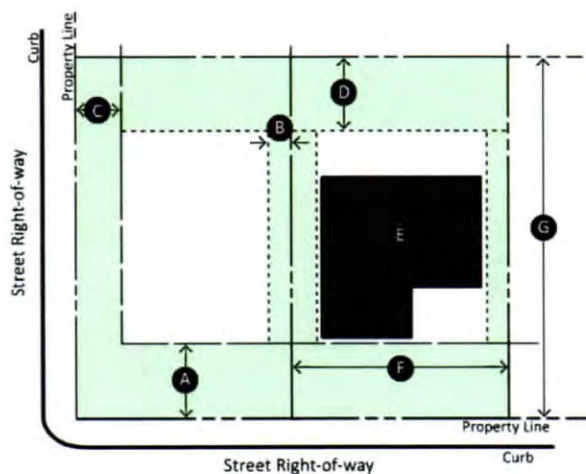
Section 4.01 Off-Street Parking and Loading Requirements

Section 4.02 Accessory Structure Standards

Section 4.03 Supplementary Regulations

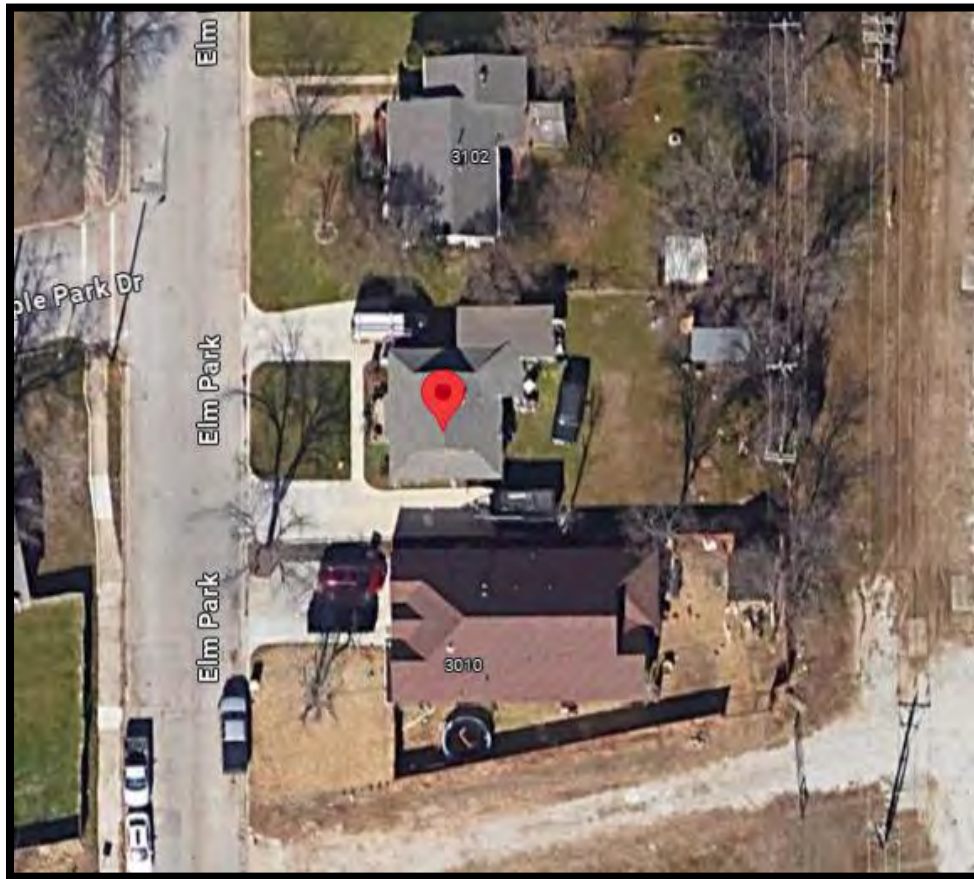
Section 4.04 Performance Standards

Other Supplementary Ordinances

(D) Area regulations

| SF-7 Single-Family Residential |                      |                       |
|--------------------------------|----------------------|-----------------------|
|                                | Height               | 35' maximum           |
| A                              | Front Yard           | 25' minimum           |
| B                              | Side Yard - Interior | 8' minimum            |
| C                              | Side Yard - Street   | 15' minimum           |
| D                              | Rear Yard            | 25' minimum           |
| E                              | Building Size        | 1,400 sq. ft. minimum |
| F                              | Lot Width            | 60' minimum           |
| G                              | Lot Depth            | 100' minimum          |
|                                | Lot Size             | 7,000 sq. ft. minimum |
|                                | Lot Coverage         | 40% maximum           |

### 3012 Elm Park Property Photos





## CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE • RICHLAND HILLS, TEXAS 76118 •  
PLANNING & COMMUNITY DEVELOPMENT

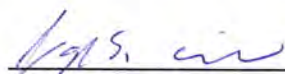
### DECISION OF THE ZONING BOARD OF ADJUSTMENT

Re: ZBA 2024-0116, a request for a variance to increase the lot coverage maximum for the property described as Lot 9, Block 6, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 3012 Elm Park, Richland Hills, Texas 76118.

The above-referenced request was approved by the City of Richland Hills Zoning Board of Adjustment on April 2, 2024 by a vote of 4 in favor and 0 against with 0 abstaining. The approval was for a variance to decrease the front yard setback of 25 feet to 18 feet 6 inches and the side yard setback of 8 feet to 6 feet 1 inches.

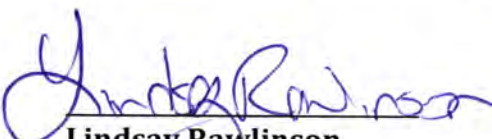
Section 6.13 of the City of Richland Hills Zoning Ordinance requires the concurring vote of four members of the Board to grant a request for a zoning special exception. On this date, the Board found that the request did meet the conditions set forth in Section 6.13 of the Zoning Ordinance.

Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with Section 211.011 of the Texas Local Government Code. This decision was filed in the Board's office on April 2, 2024.

  
**Jorge Cisneros**

Chairman, Zoning Board of Adjustment

4-2-2024  
Date

  
**Lindsay Rawlinson**

City Secretary

4-2-2024  
Date



**§ 5.03. Board of Adjustment.**

(A) Establishment. There is hereby created a board of adjustment.

- (1) Organization. The board of adjustment shall consist of five members who are residents of the city, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairperson.
- (2) Vacancies. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made; provided, however, that the city council may appoint four alternate members of the board of adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the mayor or city manager, as the case may be.
- (3) Quorum requirement. All cases to be heard by the board of adjustment shall be heard by a minimum of four members.
- (4) Alternate membership. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner as would be used to appoint a regular member, and they shall be subject to removal in the same manner as the regular members.

(B) Authority. Pursuant to V.T.C.A., Local Government Code § 211.009, the board may:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of a zoning regulation;
- (2) Hear and decide zoning special exceptions to the terms of a zoning regulation when the ordinance requires the board to do so;
- (3) Authorize in specific cases a zoning variance from the terms of a zoning regulation; and
- (4) Hear and decide other matters authorized by this Zoning Ordinance.

(C) Actions.

- (1) Amend, revise or reform. The board may reverse or affirm, in whole or in part, or modify the zoning administrator's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the zoning administrator.
- (2) Required vote. Pursuant to V.T.C.A., Local Government Code § 211.009.(c), the concurring vote of four board members (or at least 75 percent of the board members) is necessary to:

## § 5.03

## § 5.03

- (a) Reverse an order, requirement, decision, or determination of an administrative official;
  - (b) Decide in favor of an applicant on a matter on which the board is required to pass per this Ordinance; or
  - (c) Authorize a zoning special exception or zoning variance.
- (3) Appeal to district court.
- (a) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.
  - (b) Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.
- (D) Responsibilities. Responsibilities of the board of adjustment are summarized in Table 7 below.

| Table 7. Board of Adjustment Responsibilities |                                                                      |
|-----------------------------------------------|----------------------------------------------------------------------|
| Section                                       | Responsibility                                                       |
| 1.04.01.(G)                                   | Act on a request for an Interpretation of Zoning District Boundaries |
| Section 6.09                                  | Act on a request for an Amortization of Nonconforming Uses           |
| Section 6.10                                  | Act on a request for a Reinstatement of Nonconforming Rights         |
| 6.11.01.                                      | Act on a request for an Appeal of an Administrative Decision         |
| Section 6.12                                  | Act on a request for a Zoning Variance                               |
| Section 6.13                                  | Act on a request for a Zoning Special Exception                      |

[ Ord. No. 1273-14, § 1(Exh. A), 5-6-2014 ]

## Section 6.12 - Zoning Variance

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### 6.12.01. Purpose and Applicability

- (A) *Cases for which a zoning variance may be granted.* The zoning board of adjustment may authorize a variance from the development regulations in this Zoning Ordinance such as the height (including number of stories), yard (including setbacks), lot area, lot coverage, structures (including size, density and location), parking requirements, performance standards and other development regulations contained herein.
- (B) *Variance criteria.* No zoning variance shall be granted without first having given public notice and having held a public hearing on the zoning variance request in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications, and unless the board of adjustment finds all the following criteria are met:
- (1) *Unique circumstances.* That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.
  - (2) *Minimum necessary relief required to alleviate the undue hardship.* The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
  - (3) *Preservation of property rights.* That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  - (4) *No substantial detriment to the public good.* That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the comprehensive plan or be injurious to other property within the area.
  - (5) *Orderly use of land.* That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.
  - (6) *Precedent.* The granting of an individual zoning variance will not set a precedent.
  - (7) *Finding of undue hardship.* In order to grant a zoning variance, the board of adjustment must make findings that an undue hardship exists, using the following criteria:
    - (a) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and
    - (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

- (c) That the relief sought will not injure the permitted use of adjacent conforming property; and
- (d) That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.
- (e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

(C) *Variance limitations*

- (1) *Completed action required before a variance.* An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, when required by the Zoning Ordinance or the subdivision ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the planning and zoning commission and, where required, by the city council.
- (2) *Exhausted all other options.* The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the planning and zoning commission and city council consideration and action on site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance.

(D) *Public hearing required*

- (1) The board of adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this Ordinance.
- (2) At the public hearing, the board of adjustment shall consider public comments, the zoning administrator's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.

(E) *Concurring vote of 75 percent required.* Pursuant to V.T.C.A., Local Government Code § 211.009(c), the concurring vote of 75 percent of the members of the board of adjustment is necessary to grant a zoning variance.

(Ord. No. 1273-14, § 1(Exh. A), 5-6-2014; Ord. No. 1296-15, § 2(Exh. A), 8-18-2015)

# Memorandum

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

From: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: 2821 Elm Park – ZBA Decision Appeal (2024-0128)

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## Agenda Item:

Consider an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0128, a variance to decrease the side yard setback requirement and allow for an oversized carport for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118

## Background Information:

On April 2, 2024, the Richland Hills Zoning Board of Adjustment held a public hearing to consider a request for a variance to decrease the side yard setback requirements and allow for an oversized carport for 2821 Elm Park. The applicant constructed a carport on the subject property without proper permits. In February 2024, during a routine city assessment, the Code Compliance department recognized the newly constructed carport. After a site inspection, it was determined that the carport was not in compliance with location, size and setback requirements.

Subsequently, the applicant requested the following variances:

1. Decrease the side yard setback of five feet (5') to one foot (1').
  - This request was **approved** by a vote of 4 in favor and 0 against with 0 abstaining.
2. Increase the roof assembly length of 25 feet to 36 feet.
  - This request was **approved** by a vote of 4 in favor and 0 against with 0 abstaining.
3. Increase the vertical clearance maximum of nine feet (9') to ten feet (10')
  - This request was **denied**, and the applicant was instructed to reduce the height of the carport from ten feet (10') to nine feet (9').

According to *Article 5 Development Review Bodies, Section 5.03 Board of Adjustment*:

(C,3, a) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.

(C,3, b) Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

The City has the authority to pursue an appeal to any decision made by the Zoning Board of Adjustment if they are not in agreement with the decision made. If an appeal to a decision is pursued, grounds as to why this decision is illegitimate will need to be established.

### **Appeal Justification:**

According to *Article 6, Development Review Procedures, Section 6.12 Zoning Variance:*

(B) Variance criteria. **No zoning variance shall be granted** without first having given public notice and having held a public hearing on the zoning variance request in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications, and **unless the board of adjustment finds all the following criteria are met:**

**(1) Unique circumstances.** That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.

**(2) Minimum necessary relief required to alleviate the undue hardship.** The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

**(3) Preservation of property rights.** That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

**(4) No substantial detriment to the public good.** That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the comprehensive plan or be injurious to other property within the area.

**(5) Orderly use of land.** That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.

**(6) Precedent.** The granting of an individual zoning variance will not set a precedent.

**(7) Finding of undue hardship.** In order to grant a zoning variance, the board of adjustment must make findings that an undue hardship exists, using the following criteria:

**(a)** That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and

**(b)** That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

**(c)** That the relief sought will not injure the permitted use of adjacent conforming property; and

**(d)** That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.

(e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

When reviewing the Board of Adjustment's decision to approve the subject variances, the Zoning Administrator determined that the Board failed to appropriately apply all the criteria listed above. Therefore, it is the recommendation of the Zoning Administrator that the City Council seek an appeal to the Board of Adjustment's decision to approve the requested variances.

### **Financial Considerations:**

Additional legal fees will be required if an appeal to District Court is pursued.

### **Legal Review:**

The City Attorney has reviewed ZBA Case 2024-0128 and supports the Zoning Administrator's recommendation to pursue an appeal. Due to the ten-day filing requirement, the City Attorney has already filed an appeal in District Court. The appeal will remain in the court records if approved by City Council but can be repealed if Council chooses not to seek an appeal.

### **Board/Citizen Input:**

April 2, 2024: The Zoning Board of Adjustment approved the variance requests to decrease the side yard setback and allow for an oversized carport for 2821 Elm Park by a vote of 4-0.

### **Attachments:**

Plans  
Property Photo  
Decision Letter  
Section 5.03 - Board of Adjustment  
Section 6.12 - Zoning Variance

### **Council Action Requested:**

Motion to pursue an appeal to the Zoning Board of Adjustment decision on ZBA Case 2024-0128, a variance to decrease the side yard setback requirement and allow for an oversized carport for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118



## Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118  
817-616-3800 | richlandhills.com

### Zoning Board of Adjustment Application

#### Application Type

- ☐ Special Exception - Zoning    ☐ Special Exception - Sign    ☐ Variance

#### Property Owner Information

Name: Jeremie Bosques Mender  
Address: 2821 Elm Park, Richland Hills TX 76118  
Phone: 787 410 6093 Email Address: barbarasp9@gmail.com

I, the undersigned owner or authorized agent of the following described real property, located in the City of Richland Hills, Texas, hereby make application for a request for a special exception/variance from Section \_\_\_\_\_ of the Richland Hills Code of Ordinances.

Signature: [Signature] Date: 2/18/24

#### Applicant/Tenant Information

Name: Jeremie Bosques Mender  
Address: 2821 Elm Park Richland Hills TX 76118  
Phone: 787 410 6093 Email Address: barbarasp9@gmail.com  
Detailed description of request: Carport

#### Acknowledgement

I have read this application form and understand that filing the application does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a special exception or variance.

Signature: [Signature] Date: 2/18/24

| For Office Use Only         |                              |
|-----------------------------|------------------------------|
| Received by: <u>VRangel</u> | Fee Paid: <u>\$300.00</u>    |
| Approved by: _____          | Date: _____                  |
| Comments: <u>Fee waived</u> | Case Number: <u>20240128</u> |



**Richland Hills Development Services**  
3200 Diana Drive | Richland Hills, TX, 76118  
817-616-3800 | richlandhills.com

## Zoning Board of Adjustment Application

### Application Type

☐ Special Exception - Zoning      ☐ Special Exception - Sign      ☐ Variance

### Property Owner Information

Name: Jeremie Bosques Mender  
Address: 2801 Elm Park Richland Hills TX 76118  
Phone: 787 410 6093 Email Address: barbara.sp9@gmail.com

I, the undersigned owner or authorized agent of the following described real property, located in the City of Richland Hills, Texas, hereby make application for a request for a special exception/variance from Section \_\_\_\_\_ of the Richland Hills Code of Ordinances.

Signature: [Signature] Date: 2/18/24

### Applicant/Tenant Information

Name: Jeremie Bosques Mender  
Address: 2801 Elm Park Richland Hills TX 76118  
Phone: 787 410 6093 Email Address: barbara.sp9@gmail.com  
Detailed description of request: Allowed size dimensions exceeded

### Acknowledgement

I have read this application form and understand that filing the application does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a special exception or variance.

Signature: [Signature] Date: 2/18/24

### For Office Use Only

Received by: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Approved by: \_\_\_\_\_ Date: \_\_\_\_\_



## Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118  
817-616-3800 | richlandhills.com

### Zoning Board of Adjustment Application

#### Application Type

☐ Special Exception - Zoning    ☐ Special Exception - Sign    ☐ Variance

#### Property Owner Information

Name: Jeremie Bosques Mender  
Address: 2821 Elm Park Richland Hills TX 76118  
Phone: 7810 6093    Email Address: barbarasp9@gmail.com

I, the undersigned owner or authorized agent of the following described real property, located in the City of Richland Hills, Texas, hereby make application for a request for a special exception/variance from Section \_\_\_\_\_ of the Richland Hills Code of Ordinances.

Signature: \_\_\_\_\_

Date: 2/18/24

#### Applicant/Tenant Information

Name: Jeremie Bosques Mender  
Address: 2821 Elm Park Richland Hills TX 76118  
Phone: 7810 6093    Email Address: barbarasp9@gmail.com  
Detailed description of request: side yard setback encroachment

#### Acknowledgement

I have read this application form and understand that filing the application does not guarantee an affirmative action by the Zoning Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a special exception or variance.

Signature: \_\_\_\_\_

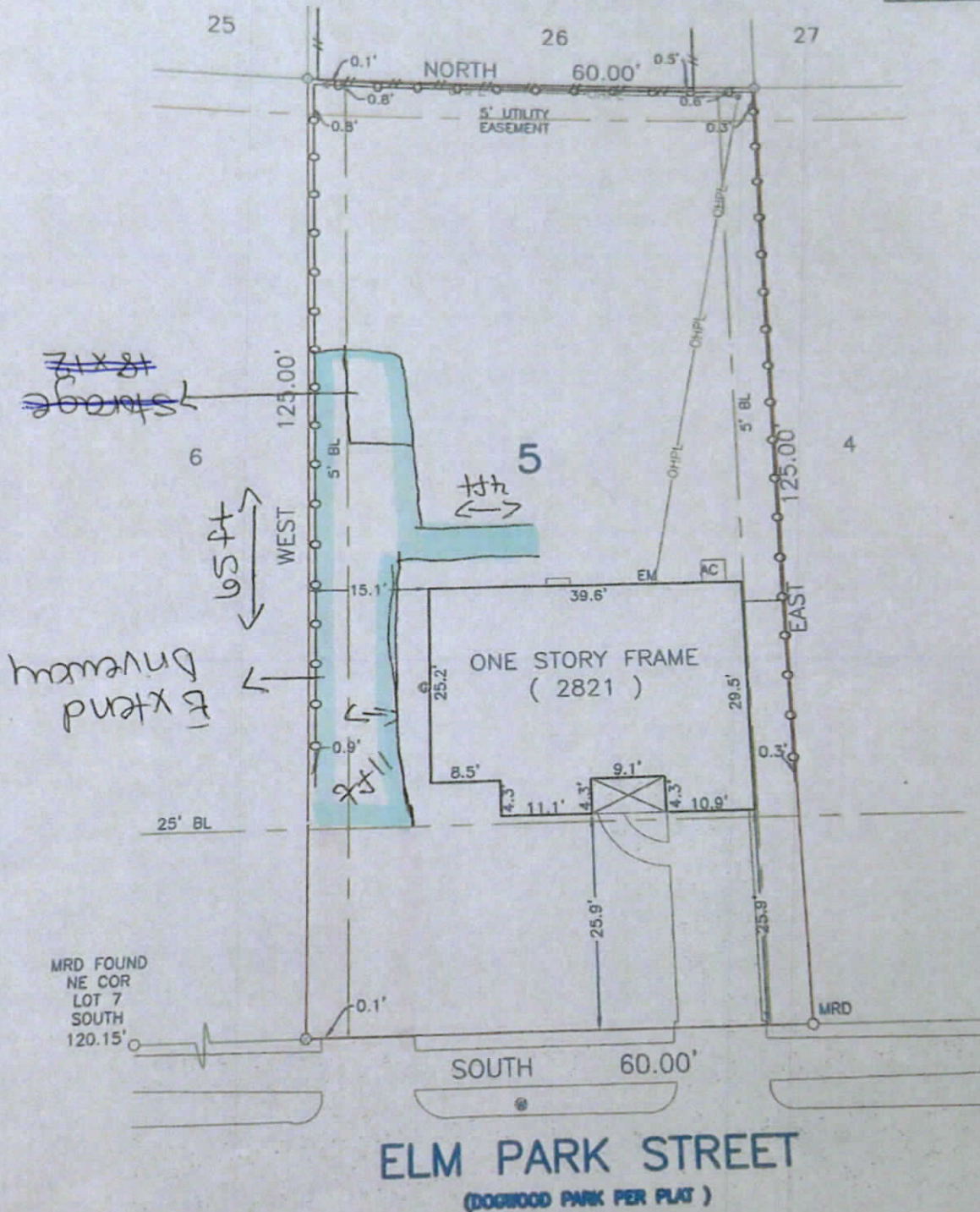
Date: 2/18/24

#### For Office Use Only

Received by: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Case Number: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

according to the plat recorded in Volume 388-G, Page 163, Plat Records, Tarrant County, Texas.



PROPERTY SUBJECT TO  
EASEMENTS & RESTRICTIONS  
VOL 388-G, PG. 67  
VOL 388-G, PG. 163  
VOL 15762, PG. 162

ACCEPTED BY: \_\_\_\_\_

PROVIDENCE  
TITLE

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as shown on the plat; the size, location and type of building and improvements

| LEGEND     |                   |
|------------|-------------------|
| WOOD FENCE | --- TEXT          |
| CHAIN LINK | --- IMPROVEMENTS  |
| IRON FENCE | --- BOUNDARY LINE |



- (a) For accessory structures equal to or less than 440 square feet, exterior wood and metal siding with a baked-on enamel finish are permitted. Corrugated metal siding is not permitted.
  - (b) Construction materials for accessory structures with a floor area over 440 square feet must comply with the exterior building material requirements for a main structure.
- (B) Nonresidential accessory structures. Accessory buildings must adhere to the following requirements:
  - (1) Dimensions.
    - (a) An accessory structure shall not exceed a height of 15 feet.
    - (b) An accessory structure shall not exceed 50 percent of the floor area of the principal building. If more than one accessory structure is located on the property, the total floor area of all accessory structures shall not exceed 50 percent of the floor area of the principal building.
    - (c) Accessory structures shall be included in the lot coverage calculations.
  - (2) Location.
    - (a) Accessory structures shall meet the following setback requirements:
      - 1. Front. The front setback shall be behind the front of the principal structure building face.
      - 2. Rear. The rear setback shall be five feet from the property line or out of easement, whichever establishes a greater setback.
      - 3. Side. The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street.
    - (b) No accessory structure shall be located in front of the principal structure building face.
    - (c) Accessory structures are prohibited in easements.
    - (d) Accessory structures must maintain a minimum separation of ten feet between exterior walls.
  - (3) Number.
    - (a) No more than one accessory structure use permitted on a single property.
  - (4) Materials.
    - (a) All accessory structures in nonresidential zoning districts must comply with the exterior building material requirements for a main structure.
- (C) Carports.
  - (1) Location. Locational requirements for carports within the city shall be as follows:
    - (a) Front. An attached carport may extend beyond the front building line (setback line), but in no case shall the structure extend more than 25 feet from the point of attachment to the residence, or encroach upon the street right-of-way or any easement.
    - (b) Side. A carport shall be set back five feet from the side property line or out of easement, whichever establishes the greater setback.

## Chapter 90. Zoning

### Article 4. Site Development Requirements

#### § 4.02. Accessory Structure Standards.

4.02.01 Accessory Structures. The following regulations apply to permanent accessory structures as outlined below in each section for residential accessory structures, nonresidential accessory structures, and carports:

(A) Residential accessory structure requirements (excluding carports). Accessory structures must adhere to the following requirements:

(1) Dimensions.

- (a) An accessory structure shall not exceed a height of 15 feet.
- (b) An accessory structure shall not exceed 50 percent of the floor area of the principal building. If more than one accessory structure is located on the property, the total floor area of all accessory structures shall not exceed 50 percent of the floor area of the principal building.
- (c) Accessory structures shall be included in the lot coverage calculations.

(2) Location.

- (a) Accessory structures shall meet the following setback requirements:
  - 1. Front. The front setback shall be behind the front of the principal structure building face.
  - 2. Rear. The rear setback shall be five feet from the property line or out of easement, whichever establishes a greater setback.
  - 3. Side. The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street.
- (b) No accessory structure shall be located in front of the principal structure building face.
- (c) Accessory structures are prohibited in easements.
- (d) Accessory structures must maintain a minimum separation of five feet between exterior walls.

(3) Number.

- (a) No more than two accessory structures are permitted on a single property.
- (b) Lots larger than 30,000 square feet may have up to three accessory structures.

(4) Materials.

- (c) Rear. A carport shall be set back five feet from the rear property line or out of easement, whichever establishes the greater setback.
- (2) Construction. Construction requirements for carports within the city shall be as follows:
  - (a) Parking surface. Carports must be erected over an approved surface.
  - (b) Size. The roof assembly of a carport shall not exceed 25 feet in length or 25 feet in width. The inside vertical clearance of a carport shall not be less than seven feet, nor more than nine feet.
  - (c) Roof.
    - 1. Roof design and pitch of a carport shall not exceed that of the main structure.
    - 2. Carport roofs, if metal, shall be corrosion-resistant aluminum or steel painted with a baked-on enamel finish or equivalent.
    - 3. Metal roof carports must have a minimum slope of one-fourth unit vertical and 12 units horizontal (two percent).
  - (d) Walls. Carports shall have at least two open exterior walls; however, no exterior wall may extend into the required front yard.
- (3) Storage. A carport located in front of the main building shall be used to store only vehicles, including recreational vehicles, boats and trailers. All vehicles must be registered. Carports in front of the main building shall not be used to store any other items.

#### 4.02.02 Swimming Pools.

- (A) Requirements. The owner of a lot zoned as residential may construct one in-ground swimming pool, or one above ground swimming pool, but not both. The location of an above ground swimming pool will be subject to the setback requirements for residential accessory structures as provided in subsection 4.02.01.(A)(2) above. The location of an in-ground swimming pool shall conform to the following setback requirements:
  - (1) SF-E Single-Family Residential Estate District.
    - (a) Front. The front setback requirement for a swimming pool shall be the front building line established in this chapter for the applicable zoning district, provided, however, that in no case shall the pool be closer to the street than the front of the main structure.
    - (b) Side. The side setback requirement for a swimming pool shall be the side building line established in this chapter for the applicable zoning district.
    - (c) Rear. The rear setback requirement for a swimming pool shall be six feet.
  - (2) All other residential zones. The setback requirements for a swimming pool shall be the respective building lines established in this chapter for the applicable zoning district.
- (B) Measurement. All of the foregoing setback requirements shall be measured from that portion of the pool, including decking and mechanical and electrical equipment, closest to the applicable setback line.
- (C) Easements and safety codes. Notwithstanding any provision herein to the contrary, no pool shall encroach upon the street right-of-way or any utility easement. Furthermore, notwithstanding any provision herein to the contrary, no swimming pool shall be located so as to create or constitute a violation of any building or safety code adopted by the city, including without limitation the International Residential Code and the Uniform Electrical Code.

#### 4.02.03 Temporary Occupancy Structures (Buildings).

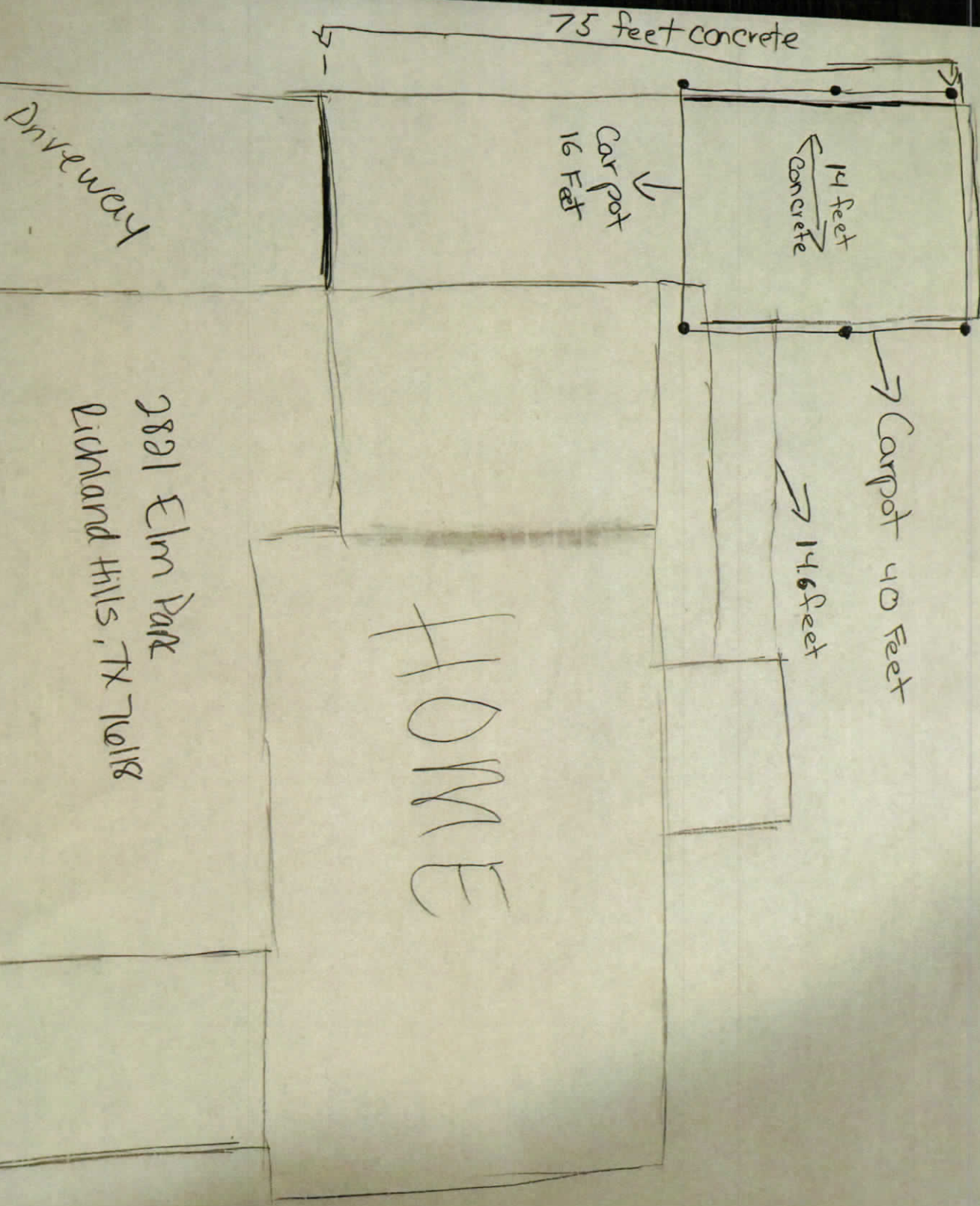
- (A) Temporary buildings may be utilized by places of worship (churches), public schools, and government agencies only. See "Temporary Occupancy Building" definition.
- (B) Places of worship (churches), public schools (kindergarten (K) through 12th grade), and government agencies shall apply for a building permit and must meet all applicable city ordinances to erect a temporary building.

#### 4.02.04 Flags and Flagpoles.

- (A) Scope. The regulations set out in this section apply to flags and detached flagpoles in all zoning districts.
- (B) Setbacks. The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the top of the pole.
- (C) Number and size.
  - (1) Residential Zoning Districts.
    - (a) No more than one flagpole shall be allowed per platted lot.
    - (b) The height of the flagpole shall not exceed 25 feet, measured from the natural grade.
    - (c) No more than three flags may be displayed on the flagpole located on a lot.
    - (d) The size of the flag shall be appropriate for the height of the flag pole, but each individual flag shall in no event exceed 24 square feet in area.
    - (e) Small flags (not to exceed 24 square feet) mounted in stanchions on the face/eaves of buildings and flags that are displayed flush to the face of the building are not limited in number.
  - (2) Nonresidential and Multiple Family Zoning Districts.
    - (a) No more than three flagpoles shall be allowed per platted lot.
    - (b) The height of the flagpoles shall not exceed 30 feet, measured from the natural grade.
    - (c) No more than two flags may be displayed on the flagpole located on a platted lot.
    - (d) The size of the flag shall be appropriate for the height of the flag pole, but each individual flag shall in no event exceed 40 square feet in area.
- (D) Manner of display.
  - (1) Furcated poles with multiple mounting structures shall not be allowed.
  - (2) Flags and insignia of any government shall be displayed in an approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (the Federal Flag Code).

#### 4.02.05 Wind Energy Conversion Systems.

- (A) Farm or utility systems. Wind energy conversion systems, farm or utility shall be prohibited within the city.
- (B) Small systems. Wind energy conversion systems, small are permitted, subject to the following conditions:
  - (1) Accessory use. A small wind energy system is allowed as an accessory use in all residential zoning districts.
  - (2) General standards.
    - (a) Small wind energy systems are permitted only in the rear yard.



2821 Elm Park  
Richland Hills, TX 76118

HOME

\* Address in question \*

2821 Elm Park ↓

Built sometime between  
March 2022 + Nov 2023



36 x 15

10 ft high

1 ft off side setback

lot coverage is under max

Exceeds dimensions height, setback



2815 Elm Park

Built to property line + exceeds length

2816 Elm Park



Built to property line + exceeds height



Built to property line + exceeds length

2817 Elm Park



Built to property line

2819 Elm Park



## Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118

817-616-3800 | richlandhills.com

### Permit Application

☒ Building

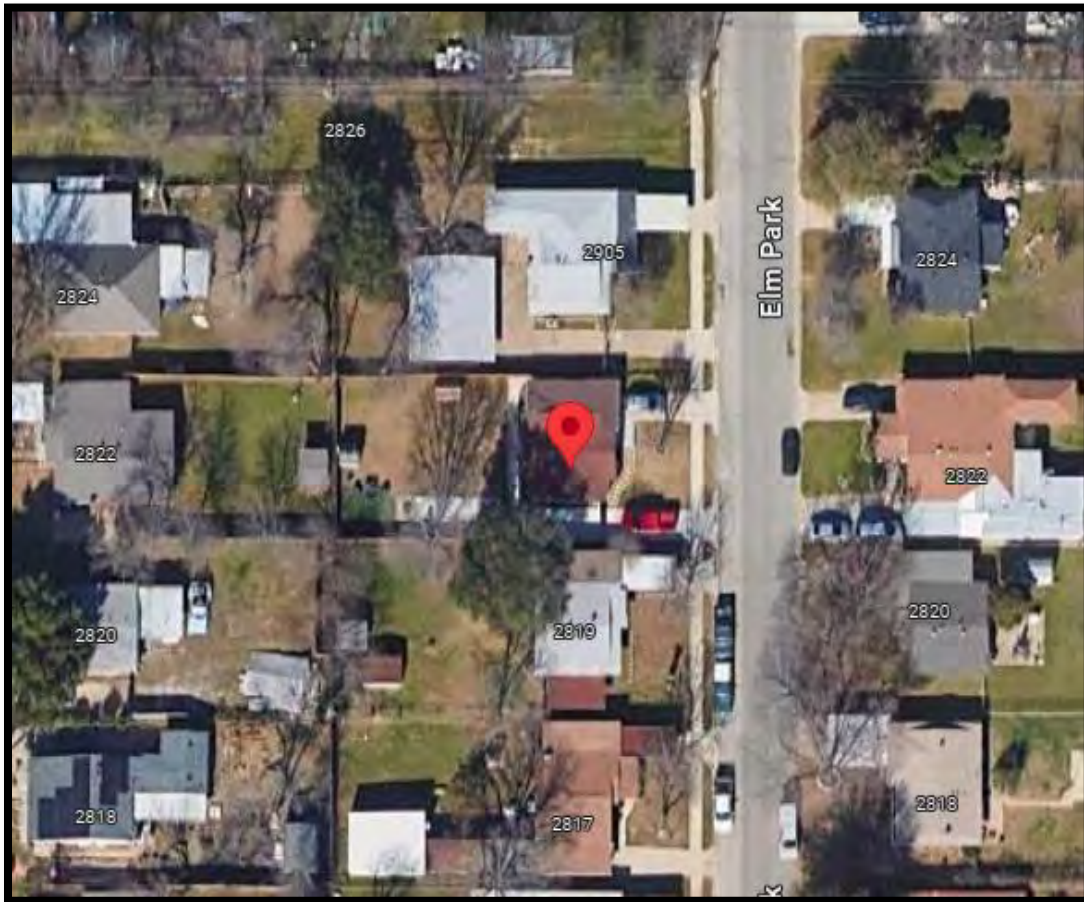
☐ Electrical

☐ Plumbing

☐ Mechanical

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Job Address: 2821 Elm Park Richland Hills Texas 76118                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                     | Date: 1:31:2024                                                                                                                                                                                                                                                                                                                |
| Subdivision: Richland PK Add                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Lot: 5              | Block: 18                                                                                                                                                                                                                                                                                                                      |
| Owner: Jeremie Bosques                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Phone #: 7874106093 |                                                                                                                                                                                                                                                                                                                                |
| Owner Address: 2821 Elm Park Richland Hills Texas 76118                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |                                                                                                                                                                                                                                                                                                                                |
| Contractor: Jeremie Bosques                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Phone #: 7874106093 |                                                                                                                                                                                                                                                                                                                                |
| Contractor Email: bosquesjeremie@gmail.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                     |                                                                                                                                                                                                                                                                                                                                |
| Type of Work: <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Demolition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |                                                                                                                                                                                                                                                                                                                                |
| Description of work to be done (number and type of fixtures, equipment, etc.):<br>Driveway & Carport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |                                                                                                                                                                                                                                                                                                                                |
| Area of Building in Square Feet:<br>First Floor: _____ Second Floor: _____ Garage: _____ Other: <sup>X</sup> _____<br>Value of work to be performed: \$ 14,500                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |                                                                                                                                                                                                                                                                                                                                |
| <b>NOTICE</b><br>This permit becomes null and void if work or construction authorized is not commenced with <b>180 days</b> , or construction on work is suspended or abandoned for a period of <b>180 days</b> at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction on the performance of construction. |                     | <b>GRAY AREA FOR OFFICE USE ONLY</b><br>Permit Fee: \$150.00 Date: _____<br>Receipt #: _____<br>Zoning District: SF-7 Received by: <i>ve</i><br>Occupancy Classification: Residential<br>Comments: Permit # 20240088<br>_____<br>_____<br>_____<br>_____<br>_____<br>NO WORK TO BE PERFORMED<br>UNTIL PERMIT HAS BEEN APPROVED |
| Signature of Contractor or Authorized Agent: <i>Jeremie Bosques</i><br>Jeremie Bosques<br>Print Name: _____<br>Date: 1/31/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                     |                                                                                                                                                                                                                                                                                                                                |

## 2821 Elm Park Property Photos





## CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE • RICHLAND HILLS, TEXAS 76118 •  
PLANNING & COMMUNITY DEVELOPMENT

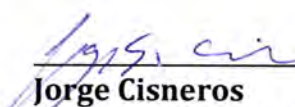
### DECISION OF THE ZONING BOARD OF ADJUSTMENT

Re: ZBA 2024-0128, a request for a variance to increase the lot coverage maximum for the property described as Lot 5, Block 18, Richland Park Addition, City of Richland Hills, Tarrant County, Texas otherwise known as 2821 Elm Park, Richland Hills, Texas 76118.

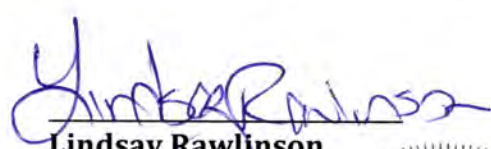
The above-referenced request was approved by the City of Richland Hills Zoning Board of Adjustment on April 2, 2024 by a vote of 4 in favor and 0 against with 0 abstaining. The approval was for a variance to decrease the side yard setback of five feet (5') to one foot (1') and increase the roof assembly length of 25 feet to 36 feet. The above reference request was denied for a variance to increase the vertical clearance maximum of nine feet (9') to 10 feet.

Section 6.13 of the City of Richland Hills Zoning Ordinance requires the concurring vote of four members of the Board to grant a request for a zoning special exception. On this date, the Board found that the request did meet the conditions set forth in Section 6.13 of the Zoning Ordinance.

Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with Section 211.011 of the Texas Local Government Code. This decision was filed in the Board's office on April 2, 2024.

  
**Jorge Cisneros**  
Chairman, Zoning Board of Adjustment

4-2-2024  
Date

  
**Lindsay Rawlinson**  
City Secretary

4-2-2024  
Date



**§ 5.03. Board of Adjustment.**

(A) Establishment. There is hereby created a board of adjustment.

- (1) Organization. The board of adjustment shall consist of five members who are residents of the city, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one member as chairperson.
- (2) Vacancies. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made; provided, however, that the city council may appoint four alternate members of the board of adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the mayor or city manager, as the case may be.
- (3) Quorum requirement. All cases to be heard by the board of adjustment shall be heard by a minimum of four members.
- (4) Alternate membership. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner as would be used to appoint a regular member, and they shall be subject to removal in the same manner as the regular members.

(B) Authority. Pursuant to V.T.C.A., Local Government Code § 211.009, the board may:

- (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of a zoning regulation;
- (2) Hear and decide zoning special exceptions to the terms of a zoning regulation when the ordinance requires the board to do so;
- (3) Authorize in specific cases a zoning variance from the terms of a zoning regulation; and
- (4) Hear and decide other matters authorized by this Zoning Ordinance.

(C) Actions.

- (1) Amend, revise or reform. The board may reverse or affirm, in whole or in part, or modify the zoning administrator's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the zoning administrator.
- (2) Required vote. Pursuant to V.T.C.A., Local Government Code § 211.009.(c), the concurring vote of four board members (or at least 75 percent of the board members) is necessary to:

## § 5.03

## § 5.03

- (a) Reverse an order, requirement, decision, or determination of an administrative official;
  - (b) Decide in favor of an applicant on a matter on which the board is required to pass per this Ordinance; or
  - (c) Authorize a zoning special exception or zoning variance.
- (3) Appeal to district court.
- (a) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, or board of the municipality may present to a district court or county court a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality.
  - (b) Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.
- (D) Responsibilities. Responsibilities of the board of adjustment are summarized in Table 7 below.

| Table 7. Board of Adjustment Responsibilities |                                                                      |
|-----------------------------------------------|----------------------------------------------------------------------|
| Section                                       | Responsibility                                                       |
| 1.04.01.(G)                                   | Act on a request for an Interpretation of Zoning District Boundaries |
| Section 6.09                                  | Act on a request for an Amortization of Nonconforming Uses           |
| Section 6.10                                  | Act on a request for a Reinstatement of Nonconforming Rights         |
| 6.11.01.                                      | Act on a request for an Appeal of an Administrative Decision         |
| Section 6.12                                  | Act on a request for a Zoning Variance                               |
| Section 6.13                                  | Act on a request for a Zoning Special Exception                      |

[ Ord. No. 1273-14, § 1(Exh. A), 5-6-2014 ]

## Section 6.12 - Zoning Variance

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### 6.12.01. Purpose and Applicability

- (A) *Cases for which a zoning variance may be granted.* The zoning board of adjustment may authorize a variance from the development regulations in this Zoning Ordinance such as the height (including number of stories), yard (including setbacks), lot area, lot coverage, structures (including size, density and location), parking requirements, performance standards and other development regulations contained herein.
- (B) *Variance criteria.* No zoning variance shall be granted without first having given public notice and having held a public hearing on the zoning variance request in accordance with section 6.03.02. Public Hearings and Notification Requirements for Zoning Related Applications, and unless the board of adjustment finds all the following criteria are met:
- (1) *Unique circumstances.* That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Ordinance's provisions would deprive the applicant of the reasonable use of his/her land.
  - (2) *Minimum necessary relief required to alleviate the undue hardship.* The zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
  - (3) *Preservation of property rights.* That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  - (4) *No substantial detriment to the public good.* That the granting of the zoning variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this Zoning Ordinance and the comprehensive plan or be injurious to other property within the area.
  - (5) *Orderly use of land.* That the granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Zoning Ordinance.
  - (6) *Precedent.* The granting of an individual zoning variance will not set a precedent.
  - (7) *Finding of undue hardship.* In order to grant a zoning variance, the board of adjustment must make findings that an undue hardship exists, using the following criteria:
    - (a) That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and
    - (b) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

- (c) That the relief sought will not injure the permitted use of adjacent conforming property; and
- (d) That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.
- (e) Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

(C) *Variance limitations*

- (1) *Completed action required before a variance.* An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat, when required by the Zoning Ordinance or the subdivision ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the planning and zoning commission and, where required, by the city council.
- (2) *Exhausted all other options.* The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the planning and zoning commission and city council consideration and action on site plans, preliminary plats, and final plats, must be exhausted prior to requesting a variance.

(D) *Public hearing required*

- (1) The board of adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this Ordinance.
- (2) At the public hearing, the board of adjustment shall consider public comments, the zoning administrator's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.

(E) *Concurring vote of 75 percent required.* Pursuant to V.T.C.A., Local Government Code § 211.009(c), the concurring vote of 75 percent of the members of the board of adjustment is necessary to grant a zoning variance.

(Ord. No. 1273-14, § 1(Exh. A), 5-6-2014; Ord. No. 1296-15, § 2(Exh. A), 8-18-2015)

# Memorandum

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

From: Kip Dernovich, Director of Public Works and Capital Projects

Date: April 22, 2024

Subject: Street Improvement Projects

---

## **Agenda Item:**

Street Improvement Projects

## **Background Information:**

Staff will provide an update on the FY 2024 street improvement projects.

## **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: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: 2<sup>nd</sup> Quarter Investment Report

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## **Agenda Item:**

2<sup>nd</sup> Quarter Investment Report

## **Background Information:**

Staff will provide a quarterly investment report for the period of January 1, 2024 – March 31, 2024.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

2<sup>nd</sup> Quarter Investment Report

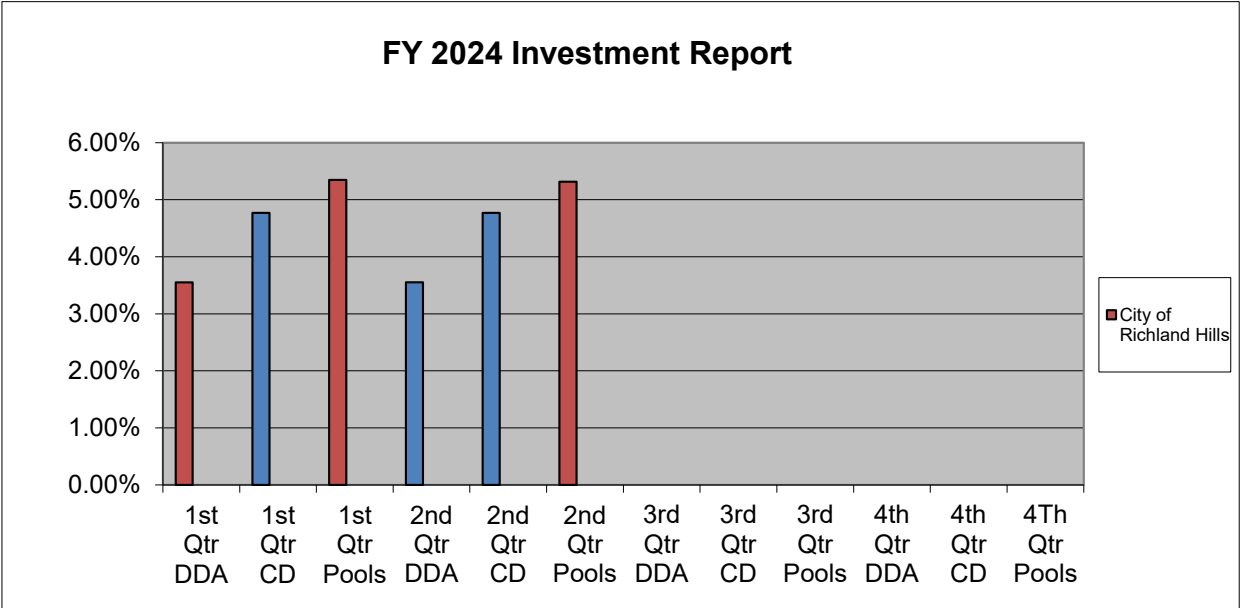
## **Council Action Requested:**

No Council Action

| Bank            | Fund    | Name of Account                          | Balance at<br>1/1/2024 | Net Deposits /<br>Withdrawals | Interest<br>Earnings | Balance at<br>3/31/2024 |
|-----------------|---------|------------------------------------------|------------------------|-------------------------------|----------------------|-------------------------|
| JP Morgan Chase | 1       | General Fund Account                     | 7,382,088              | 3,132,806                     | 54,226               | 10,569,120              |
| JP Morgan Chase | 2       | Revenue Fund Account                     | 6,029,144              | (992,901)                     | 62,370               | 5,098,613               |
| JP Morgan Chase | 26      | Richland Hills Economic Development Corp | 2,132,129              | 245,506                       | 22,066               | 2,399,701               |
| JP Morgan Chase | 65      | Richland Hills Crime Control Fund        | 1,421,192              | (439,097)                     | 15,174               | 997,269                 |
| JP Morgan Chase | 1       | Certificate of Deposit-Maturity 11/2024  | 177,069                | -                             | -                    | 177,069                 |
|                 |         | <b>Total Bank</b>                        | <b>17,148,490</b>      | <b>1,946,314</b>              | <b>153,836</b>       | <b>19,241,772</b>       |
| TEXPOOL         | 1       | General Fund                             | 2,129,570              | -                             | 28,419               | 2,157,989               |
| TEXPOOL         | 2       | Revenue Fund                             | 909,670                | -                             | 12,139               | 921,809                 |
| TEXPOOL         | 22      | Drainage Fund                            | 120,889                | -                             | 1,613                | 122,502                 |
| TexSTAR         | 27      | 2019 GO Bonds                            | 85,501                 | (10,100)                      | 1,089                | 76,490                  |
| TexSTAR         | 6       | Police Seizure Funds                     | 26,027                 | -                             | 346                  | 26,372                  |
| TexSTAR         | 10      | I & S Funds                              | 670,312                | -                             | 8,909                | 679,221                 |
| TexSTAR         | 77      | Hotel Motel Occupancy Tax Fund           | 176,642                | -                             | 2,348                | 178,990                 |
| TexSTAR         | 89      | Tax Increment Fund                       | 711,393                | (78,700)                      | 9,089                | 641,782                 |
| TexSTAR         | 101     | ARPA Funds                               | 1,715,080              | -                             | 22,794               | 1,737,873               |
| TexSTAR         | 2 & 109 | 2023 Certificates of Obligation          | 6,247,825              | -                             | 83,034               | 6,330,859               |
|                 |         | <b>Total Pools</b>                       | <b>12,792,908</b>      | <b>(88,800)</b>               | <b>169,779</b>       | <b>12,873,887</b>       |
|                 |         | <b>Total Holdings</b>                    | <b>29,941,398</b>      | <b>1,857,514</b>              | <b>323,615</b>       | <b>32,115,659</b>       |

| City of Richland Hills                    |               |            |        |                 |            |                |                    |                    |              |              |           |                |               |              |                           |  |
|-------------------------------------------|---------------|------------|--------|-----------------|------------|----------------|--------------------|--------------------|--------------|--------------|-----------|----------------|---------------|--------------|---------------------------|--|
| Inventory Holdings Report- City Portfolio |               |            |        |                 |            |                |                    |                    |              |              |           |                |               |              |                           |  |
| 3/31/2024                                 |               |            |        |                 |            |                |                    |                    |              |              |           |                |               |              |                           |  |
| Settle Date                               | Security Type | Par        | Rate   | Settlement Date | Maturity   | Purchase Yield | Purchase Principal | Original Prem/Disc | Current Book | Market Price | Gain/Loss | Original D-T-M | Current D-T-M | Amortization | Percent of Total Holdings |  |
| 3/31/2024                                 | Hybrid DDA    | 19,064,703 | 3.553% | 3/31/2024       | 4/1/2024   | 3.553%         | 19,064,703         | -                  | 19,064,703   | 100.00%      | -         | 1              | 1             | 0.00         | 59.36%                    |  |
| 3/31/2024                                 | Pools         | 12,873,887 | 5.318% | 3/31/2024       | 4/1/2024   | 5.318%         | 12,873,887         | -                  | 12,873,887   | 100.00%      |           | 1              | 1             | 0.00         | 40.09%                    |  |
| 11/23/2024                                | CD            | 177,069    | 4.770% | 11/23/2024      | 11/23/2024 | 4.770%         | 177,069            |                    | 177,069      | 100.00%      | -         | 360            | 360           | 0.00         | 0.55%                     |  |
|                                           |               | 32,115,659 |        |                 |            |                | 32,115,659         |                    |              | 32,115,659   |           |                |               |              | 100.00%                   |  |

Investment Transactions  
Quarter Ending  
3/31/2024



DDA Accounts=JP MORGAN CHASE  
POOLS=Texpool and TexSTAR

City of Richland Hills  
Quarterly Investment Report-City Portfolio

January 1, 2024 - March 31, 2024

**Portfolio Summary Management Report**

This quarterly report is in full compliance with the investment policy and strategy as established for the City of Richland Hills and the Public Funds Investment Act (Chapter 2256, Government Code).

|                               |       |               |                                 |       |               |
|-------------------------------|-------|---------------|---------------------------------|-------|---------------|
| Beginning Book Value 1/1/24   | \$    | 29,941,397.83 | Ending Book Value 3/31/24       | \$    | 32,115,658.95 |
| Beginning Market Value 1/1/24 | \$    | 29,941,397.83 | Ending Market Value 3/31/24     | \$    | 32,115,658.95 |
|                               |       |               | Accrued Interest Receivable     | \$    | -             |
|                               |       |               | Unrealized Gain/Loss on 3/31/24 | \$    | -             |
| WAM at Beginning Period Date* | 1 day |               | WAM at Ending Period Date*      | 1 day |               |
|                               |       |               | Change in Market Value          | \$    | 2,174,261.12  |

|                                                 |        |
|-------------------------------------------------|--------|
| <b>Average Yield to Maturity for quarter</b>    | 4.435% |
| <b>Average Yield to Maturity 6 month T-Bill</b> | 5.064% |

*Terry Leake, Interim Director of Finance*

Terry Leake, Interim Director of Finance

*Candice Edmondson, City Manager*

Candice Edmondson, City Manager

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\*WAM-Weighted Average Maturity

"Change in Market Value" is required data, but will primarily reflect the receipt and expenditure of the City's funds from quarter to quarter.

# Memorandum

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

From: Jason Brown, Director of Parks and Recreation

Date: April 22, 2024

Subject: Clean, Green & Lean Event

---

## **Agenda Item:**

Clean, Green & Lean Event

## **Background Information:**

Staff will provide an update on the Clean, Green & Lean event scheduled for Saturday, April 27, 2024.

Join City staff and your Richland Hills neighbors for a special public service and volunteer opportunity to clean and beautify our parks, stormwater areas and greenspaces from 8:00 a.m. – 10:00 a.m. After cleaning, we will plant wildflowers, including milkweed and a variety of nectar flowers, to beautify the Hike & Bike Trail and further engage in the conservation of vital pollinator habitats in support of The National Wildlife Federation's Mayors' Monarch Pledge.

Beginning at 10:00 a.m., join us at The Link to celebrate our 7<sup>th</sup> anniversary of family fun and fitness! Get "Lean" with membership specials. Take a tour and learn about our new amenities including the Bird's Nest Indoor Playground, Esports Gaming Room and Nintendo Switch Gaming Room. Try out a free Group Exercise Class or challenge a friend to a variety of yard or table games. Free drinks, hot dogs and cupcakes will be available.

## **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: Candice Edmondson, City Manager

Date: April 22, 2024

Subject: March Department Monthly Reports

---

## **Agenda Item:**

March Department Monthly Reports

## **Background Information:**

Attached are the monthly Department Reports. If you have any questions regarding the reports, please contact me or the appropriate Department Head.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

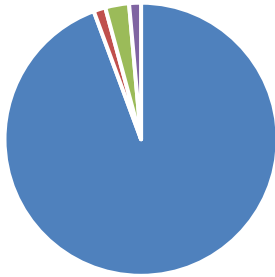
## **Attachments:**

March Department Reports

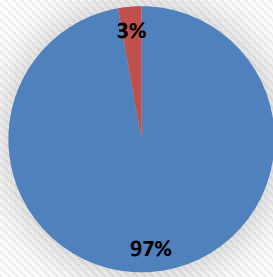
## **Council Action Requested:**

No Council Action

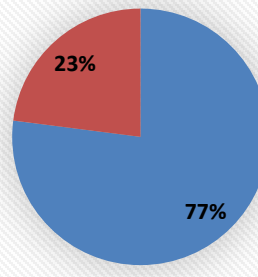
# Code Compliance



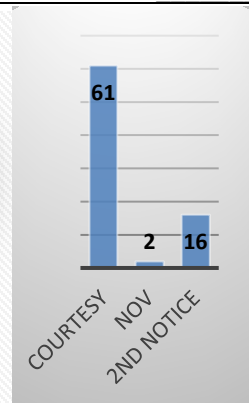
■ Nuisance ■ Permits ■ Building ■ Zoning



■ Residential ■ Commercial

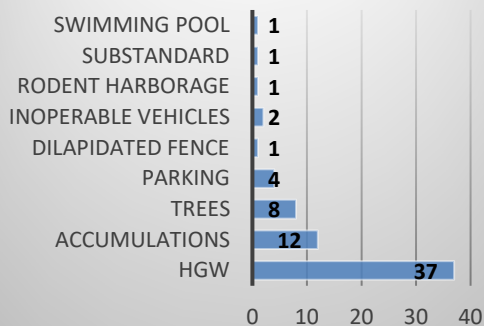


■ Proactive ■ Reactive

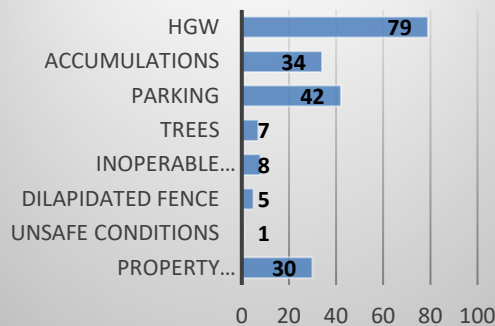


| Current Month Violations        |                |                    |                     |                  |                   |
|---------------------------------|----------------|--------------------|---------------------|------------------|-------------------|
|                                 | Notices Issued | Pending Compliance | Compliance Obtained | Citations Issued | Abatement by City |
| Nuisance Violations             | 67             | 24                 | 43                  | 0                | 0                 |
| Building Violations             | 2              | 2                  | 0                   | 0                | 0                 |
| Zoning Issues                   | 1              | 0                  | 1                   | 0                | 0                 |
| Permit Violations               | 1              | 0                  | 1                   | 0                | 0                 |
| Fiscal Year Totals              | 397            | 139                | 245                 | 6                | 0                 |
| Previous Fiscal Year Comparison | 550            | 188                | 380                 | 9                | 0                 |

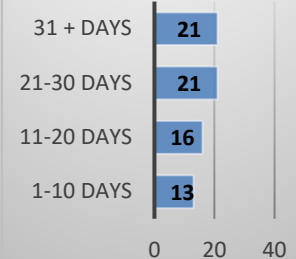
## Current Month



## Comparison Month



## Completion Time



| Building Summary                |               |                                |                   |                                 |
|---------------------------------|---------------|--------------------------------|-------------------|---------------------------------|
|                                 | Current Month | Comparison Month Previous Year | Fiscal Year 23/24 | Previous Fiscal Year Comparison |
| Registered Vacant Building      | 0             | 3                              | 4                 | 5                               |
| Substandard Buildings – New BBA | 0             | 0                              | 0                 | 0                               |

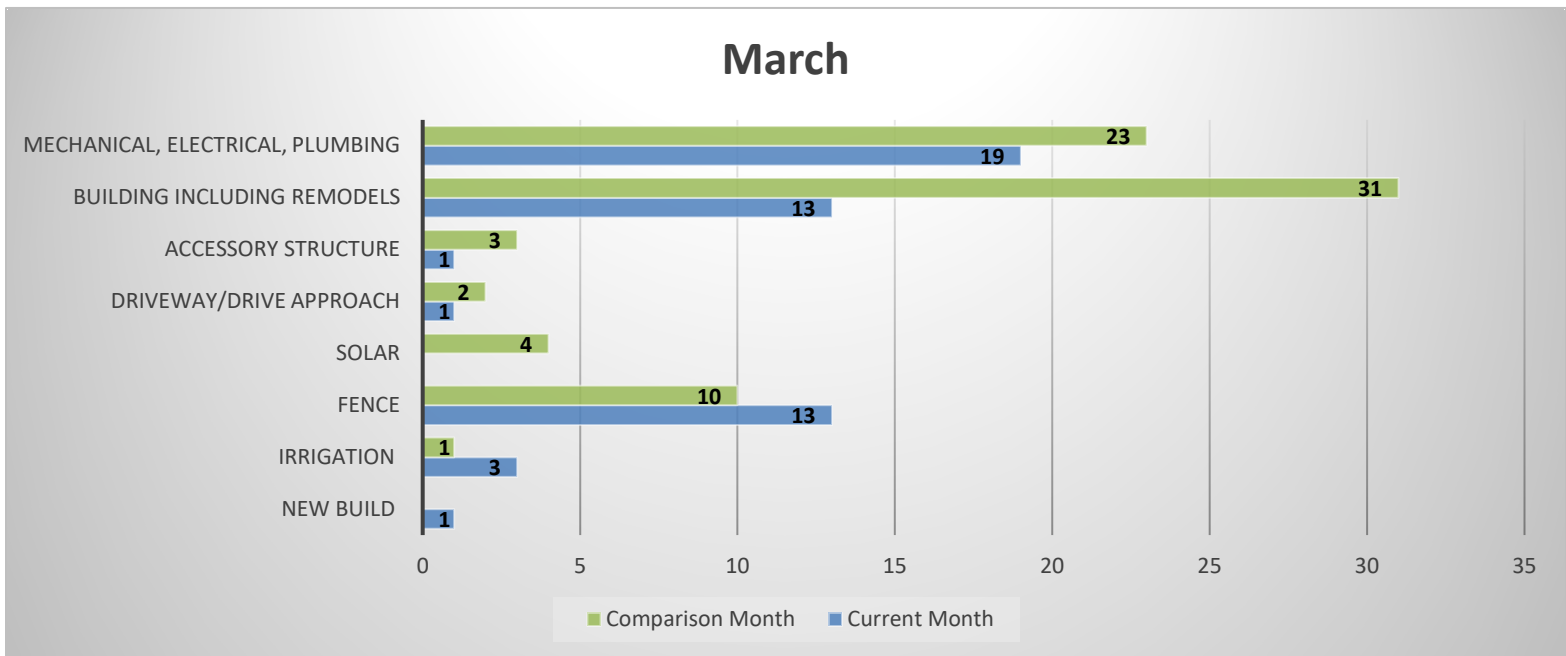
### March 2024

4 Inspections Conducted

### Citizen Contact

22 Complaints received.  
(17 cases resulted)

## Development Services



|                                      | Mechanical<br>Electrical<br>Plumbing | Building<br>Including<br>Remodels | Accessory<br>Structure | Driveway<br>Drive<br>Approach | Solar | Fence | Irrigation | New Build |
|--------------------------------------|--------------------------------------|-----------------------------------|------------------------|-------------------------------|-------|-------|------------|-----------|
| Current Month Residential            | 17                                   | 12                                | 1                      | 0                             | 0     | 11    | 3          | 1         |
| Current Month Commercial             | 2                                    | 1                                 | 0                      | 1                             | 0     | 2     | 0          | 0         |
| <b>Current Fiscal Year 2023-2024</b> | 114                                  | 109                               | 6                      | 8                             | 11    | 56    | 5          | 21        |
| Previous Month Residential           | 16                                   | 26                                | 3                      | 1                             | 4     | 10    | 1          | 0         |
| Previous Month Commercial            | 7                                    | 5                                 | 0                      | 1                             | 0     | 0     | 0          | 0         |

|                            | Current Month | Comparison Month<br>Previous Year | Fiscal Year<br>To Date<br>2023-2024 |
|----------------------------|---------------|-----------------------------------|-------------------------------------|
| Sign Permit                | 2             | 3                                 | 10                                  |
| ROW Permit                 | 10            | 5                                 | 70                                  |
| Garage Sale Permit         | 11            | 15                                | 99                                  |
| Zoning, SUP, Code Consults | 2             | 0                                 | 12                                  |
| Pool Permits               | 0             | 1                                 | 1                                   |

### Business Summary

|                        | Current Month | Comparison<br>Month<br>Previous Year | Fiscal Year<br>To Date<br>2023-2024 |
|------------------------|---------------|--------------------------------------|-------------------------------------|
| Registered Rental CO's | 4             | 11                                   | 42                                  |
| Issued Commercial CO's | 5             | 3                                    | 16                                  |
| Mobile Food Vendor     | 0             | 0                                    | 1                                   |

#### Received Certificate of Occupancy

- The Mail Drop – 7410 Blvd 26 Suite 103 – Business Services
- Family Time Mansfield LLC – 7235 Glenview Dr Suite A and B – Suite A: Business Services and Suite B is storage ONLY
- Texas Construction – 7473 Airport Fwy – Contractor (No Outside Storage)
- Armor Heat Treat LLC – 7110 Burns St – Manufacturing, General
- Virtue Realty – 7352 Dogwood Park – Office, Administrative, Medical, and Professional

**Number of Potential Business Certificate of Occupancy Meetings: 4**

**Number of Developmental Review Committee / Plan Review: 3**

Finance

GENERAL FUND, UTILITY FUND AND LINK FUND

Fiscal Year 2023-2024, Period Ending 3/31/2024

| Monthly Financial Report         |                      |                      |                     |                     |                       |
|----------------------------------|----------------------|----------------------|---------------------|---------------------|-----------------------|
|                                  | Budget               | Current Month Actual | YTD Actual          | Available Budget    | % YTD of Total Budget |
| <b>General Fund (001)</b>        |                      |                      |                     |                     |                       |
| <b>Revenue</b>                   |                      |                      |                     |                     |                       |
| Property Taxes                   | \$ 3,217,091         | \$ 59,233            | \$ 3,039,224        | \$ 177,867          | 94%                   |
| Sales Tax                        | \$ 4,877,144         | \$ 482,735           | \$ 1,692,391        | \$ 3,184,753        | 35%                   |
| Other Tax                        | \$ 2,500             | \$ 240               | \$ 1,232            | \$ 1,268            | 49%                   |
| Franchise Fees                   | \$ 556,800           | \$ 419,225           | \$ 471,608          | \$ 85,192           | 85%                   |
| Fines & Forfeitures              | \$ 385,100           | \$ 36,924            | \$ 285,713          | \$ 99,387           | 74%                   |
| Licenses & Permits               | \$ 279,225           | \$ 19,316            | \$ 152,242          | \$ 126,983          | 55%                   |
| Service Charges                  | \$ 268,850           | \$ 13,158            | \$ 150,688          | \$ 118,162          | 56%                   |
| Miscellaneous                    | \$ 552,227           | \$ 33,923            | \$ 182,042          | \$ 370,185          | 33%                   |
| <b>Total Revenues</b>            | <b>\$ 10,138,937</b> | <b>\$ 1,064,754</b>  | <b>\$ 5,975,140</b> | <b>\$ 4,163,797</b> | <b>59%</b>            |
| <b>Expenditures</b>              |                      |                      |                     |                     |                       |
| Municipal Court                  | \$ 295,313           | \$ 51,161            | \$ 163,304          | \$ 132,009          | 55%                   |
| Administration                   | \$ 709,039           | \$ 73,591            | \$ 327,506          | \$ 381,533          | 46%                   |
| Police                           | \$ 2,580,786         | \$ 161,102           | \$ 1,038,675        | \$ 1,542,111        | 40%                   |
| Fire                             | \$ 2,624,656         | \$ 202,701           | \$ 1,137,928        | \$ 1,486,728        | 43%                   |
| Street                           | \$ 300,143           | \$ 17,636            | \$ 114,482          | \$ 185,661          | 38%                   |
| Library                          | \$ 470,100           | \$ 31,814            | \$ 211,678          | \$ 258,422          | 45%                   |
| Recreation                       | \$ 289,595           | \$ 19,181            | \$ 152,838          | \$ 136,757          | 53%                   |
| Parks/Grounds                    | \$ 323,742           | \$ 12,791            | \$ 76,992           | \$ 246,750          | 24%                   |
| Community Development            | \$ 504,608           | \$ 18,678            | \$ 253,269          | \$ 251,339          | 50%                   |
| Animal Control                   | \$ 235,448           | \$ 19,316            | \$ 128,891          | \$ 106,557          | 55%                   |
| Legislative (City Secretary)     | \$ 149,127           | \$ 10,430            | \$ 72,528           | \$ 76,599           | 49%                   |
| Shared Services                  | \$ 957,232           | \$ 54,841            | \$ 422,378          | \$ 534,854          | 44%                   |
| Transfers/Non Departmental       | \$ 841,893           | \$ 12,614            | \$ 740,516          | \$ 101,377          | 88%                   |
| <b>Total Expenditures</b>        | <b>\$ 10,281,682</b> | <b>\$ 685,856</b>    | <b>\$ 4,840,985</b> | <b>\$ 5,440,697</b> | <b>47%</b>            |
| <b>Rev/Exp</b>                   | <b>\$ (142,745)</b>  | <b>\$ 378,898</b>    | <b>\$ 1,134,155</b> |                     |                       |
| <b>Utility Fund (002)</b>        |                      |                      |                     |                     |                       |
| <b>Revenue</b>                   |                      |                      |                     |                     |                       |
| Water                            | \$ 2,595,000         | \$ 180,739           | \$ 1,262,796        | \$ 1,332,204        | 49%                   |
| Sewer                            | \$ 1,800,000         | \$ 149,120           | \$ 898,855          | \$ 901,145          | 50%                   |
| Misc. (incl. Garbage Billing)    | \$ 753,000           | \$ 87,248            | \$ 498,970          | \$ 254,030          | 66%                   |
| <b>Total Revenues</b>            | <b>\$ 5,148,000</b>  | <b>\$ 417,107</b>    | <b>\$ 2,660,621</b> | <b>\$ 2,487,379</b> | <b>52%</b>            |
| <b>Expenses</b>                  |                      |                      |                     |                     |                       |
| Shared Services                  | \$ 356,494           | \$ 18,767            | \$ 157,343          | \$ 199,151          | 44%                   |
| Administration                   | \$ 754,171           | \$ 60,412            | \$ 354,287          | \$ 399,884          | 47%                   |
| Water Services & Distr.          | \$ 1,744,698         | \$ 64,344            | \$ 373,234          | \$ 1,371,464        | 21%                   |
| Wastewater Service               | \$ 1,633,536         | \$ 99,872            | \$ 692,438          | \$ 941,098          | 42%                   |
| Trsfrs/Debt Service/Non-Dept.    | \$ 1,188,143         | \$ 46,313            | \$ 376,116          | \$ 812,027          | 32%                   |
| <b>Total Expenses</b>            | <b>\$ 5,677,042</b>  | <b>\$ 289,708</b>    | <b>\$ 1,953,418</b> | <b>\$ 3,723,624</b> | <b>34%</b>            |
| <b>Rev/Exp</b>                   | <b>\$ (529,042)</b>  | <b>\$ 127,399</b>    | <b>\$ 707,203</b>   |                     |                       |
| <b>Link Operating Fund (098)</b> |                      |                      |                     |                     |                       |
| <b>Revenue</b>                   |                      |                      |                     |                     |                       |
| Recreation                       | \$ 571,000           | \$ 47,302            | \$ 290,481          | \$ 280,519          | 51%                   |
| Transfers in                     | \$ 200,000           | \$ 200,000           | \$ 200,000          | \$ -                | 100%                  |
| <b>Total Revenue</b>             | <b>\$ 771,000</b>    | <b>\$ 247,302</b>    | <b>\$ 490,481</b>   | <b>\$ 280,519</b>   | <b>64%</b>            |
| <b>Expenditures</b>              | <b>\$ 771,000</b>    | <b>\$ 53,454</b>     | <b>\$ 349,509</b>   | <b>\$ 168,417</b>   | <b>77%</b>            |
| <b>Operating/Personnel</b>       | <b>\$ 771,000</b>    | <b>\$ 53,454</b>     | <b>\$ 349,509</b>   | <b>\$ 421,491</b>   | <b>45%</b>            |
| <b>Rev/Exp</b>                   | <b>\$ -</b>          | <b>\$ 193,848</b>    | <b>\$ 140,972</b>   |                     |                       |

Finance

SPECIAL REVENUE FUNDS

Fiscal Year 2023-2024, Period Ending 3/31/2024

| Monthly Financial Report                                  |              |                      |              |                  |                       |
|-----------------------------------------------------------|--------------|----------------------|--------------|------------------|-----------------------|
|                                                           | Budget       | Current Month Actual | YTD Actual   | Available Budget | % YTD of Total Budget |
| <b>Court Security Fund (24)</b>                           |              |                      |              |                  |                       |
| Revenue                                                   | \$ 5,500     | \$ 904               | \$ 7,018     | \$ (1,518)       | 128%                  |
| Expenditures                                              | \$ 1,050     | \$ -                 | \$ -         | \$ 1,050         | 0%                    |
| Rev/Exp                                                   | \$ 4,450     | \$ 904               | \$ 7,018     |                  |                       |
| <b>Court Technology Fund (39)</b>                         |              |                      |              |                  |                       |
| Revenue                                                   | \$ 4,800     | \$ 738               | \$ 5,778     | \$ (978)         | 120%                  |
| Expenditures                                              | \$ -         | \$ -                 | \$ -         | \$ -             |                       |
| Rev/Exp                                                   | \$ 4,800     | \$ 738               | \$ 5,778     |                  |                       |
| <b>Crime Control District (65)</b>                        |              |                      |              |                  |                       |
| Revenue                                                   |              |                      |              |                  |                       |
| Sales Tax                                                 | \$ 1,842,088 | \$ 180,543           | \$ 628,990   | \$ 1,213,098     | 34%                   |
| Investment Income                                         | \$ 24,000    | \$ 5,357             | \$ 26,431    | \$ (2,431)       | 110%                  |
| Grants/Transfers                                          | \$ 21,760    | \$ -                 | \$ 4,623     | \$ 17,137        | 21%                   |
| Total Revenue                                             | \$ 1,887,848 | \$ 185,900           | \$ 660,044   | \$ 1,227,804     | 35%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Public Safety                                             | \$ 1,539,572 | \$ 64,624            | \$ 559,169   | \$ 980,403       | 36%                   |
| Capital Expense                                           | \$ 281,344   | \$ -                 | \$ 62,245    | \$ 219,099       | 22%                   |
| Transfers Out                                             | \$ 192,828   | \$ -                 | \$ 192,828   | \$ -             | 100%                  |
| Total Expenditures                                        | \$ 2,013,744 | \$ 64,624            | \$ 878,356   | \$ 1,135,388     | 44%                   |
| Rev/Exp                                                   | \$ (125,896) | \$ 121,276           | \$ (218,312) |                  |                       |
| <b>Hotel Occupancy Tax (77)</b>                           |              |                      |              |                  |                       |
| Revenue                                                   |              |                      |              |                  |                       |
| HOT (Taxes)/Int Income                                    | \$ 259,200   | \$ 19,433            | \$ 97,149    | \$ 162,051       | 37%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Operating Expense                                         | \$ 194,375   | \$ 3,250             | \$ 49,665    | \$ 144,710       | 26%                   |
| Debt Service                                              | \$ 103,713   | \$ -                 | \$ 19,356    | \$ 84,357        | 19%                   |
| Total Expenditures                                        | \$ 298,088   | \$ 3,250             | \$ 69,021    | \$ 229,067       | 23%                   |
| Rev/Exp*                                                  | \$ (38,888)  | \$ 16,183            | \$ 28,128    |                  |                       |
| <b>TIF Fund (89)</b>                                      |              |                      |              |                  |                       |
| Revenue                                                   |              |                      |              |                  |                       |
| Property Tax Allocation                                   | \$ 192,296   | \$ -                 | \$ 193,626   | \$ (1,330)       | 101%                  |
| Investment Income                                         | \$ 53,349    | \$ 2,875             | \$ 18,561    | \$ 34,788        | 35%                   |
| Sales Tax Transfer in                                     | \$ 75,000    | \$ -                 | \$ -         | \$ 75,000        | 0%                    |
| Total Revenue                                             | \$ 320,645   | \$ 2,875             | \$ 212,187   | \$ 108,458       | 66%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Operating                                                 | \$ 90,000    | \$ -                 | \$ -         | \$ 90,000        | 0%                    |
| Improvement Incentive                                     | \$ 30,000    | \$ -                 | \$ -         | \$ 30,000        | 0%                    |
| Grants                                                    | \$ 400,000   | \$ -                 | \$ -         | \$ 400,000       | 0%                    |
| Capital Projects                                          | \$ 230,000   | \$ -                 | \$ 184,462   | \$ 45,538        | 0%                    |
| Total Expenditures                                        | \$ 750,000   | \$ -                 | \$ 184,462   | \$ 565,538       | 25%                   |
| Rev/Exp                                                   | \$ (429,355) | \$ 2,875             | \$ 27,725    |                  |                       |
| <b>Strategic Initiative Fund (107)</b>                    |              |                      |              |                  |                       |
| Revenue                                                   | \$ 256,260   | \$ 256,260           | \$ 256,260   | \$ -             | 100%                  |
| Expenditures                                              | \$ 811,823   | \$ 10,131            | \$ 143,328   | \$ 668,495       | 18%                   |
| Rev/Exp                                                   | \$ (555,563) | \$ 246,129           | \$ 112,932   |                  |                       |
| *Any overages in these funds are covered by fund balance. |              |                      |              |                  |                       |

Finance

CAPITAL FUNDS

Fiscal Year 2023-2024, Period Ending 3/31/2024

| Monthly Financial Report                                  |              |                      |              |                  |                       |
|-----------------------------------------------------------|--------------|----------------------|--------------|------------------|-----------------------|
|                                                           | Budget       | Current Month Actual | YTD Actual   | Available Budget | % YTD of Total Budget |
| <b>Oil &amp; Gas Lease Fund (12)</b>                      |              |                      |              |                  |                       |
| Revenue                                                   | \$ 100,000   | \$ 15,543            | \$ 65,079    | \$ 34,921        | 65%                   |
| Expenditures                                              | \$ 177,000   | \$ 90                | \$ 7,190     | \$ 169,810       | 4%                    |
| Rev/Exp*                                                  | \$ (77,000)  | \$ 15,453            | \$ 57,889    |                  |                       |
| <b>Road and Street Fund (25)</b>                          |              |                      |              |                  |                       |
| Revenue                                                   |              |                      |              |                  |                       |
| Sales Tax                                                 | \$ 1,828,929 | \$ 181,025           | \$ 634,646   | \$ 1,194,283     | 35%                   |
| Total Revenue                                             | \$ 1,828,929 | \$ 181,025           | \$ 634,646   | \$ 1,194,283     | 35%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Street R&M                                                | \$ 2,140,000 | \$ 75                | \$ 97,621    | \$ 2,042,379     | 5%                    |
| Total Expenditures                                        | \$ 2,140,000 | \$ 75                | \$ 97,621    | \$ 2,042,379     | 5%                    |
| Rev/Exp*                                                  | \$ (311,071) | \$ 180,950           | \$ 537,025   |                  |                       |
| <b>Vehicle Replace. Fund (30)</b>                         |              |                      |              |                  |                       |
| Revenue                                                   |              |                      |              |                  |                       |
| Sale of vehicles                                          | \$ 120,000   | \$ 20,594            | \$ 31,323    | \$ 88,677        | 26%                   |
| Transfers in                                              | \$ 501,660   | \$ 501,660           | \$ 501,660   | \$ -             | 100%                  |
| Total Revenue                                             | \$ 621,660   | \$ 522,254           | \$ 532,983   | \$ 88,677        | 86%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Capital-Lease Expense                                     | \$ 339,702   | \$ 23,737            | \$ 136,018   | \$ 203,684       | 40%                   |
| Capital- Purchases                                        | \$ 118,200   | \$ 6,957             | \$ 18,192    | \$ 100,008       | 15%                   |
| Gas/Maint                                                 | \$ 158,758   | \$ 12,860            | \$ 77,587    | \$ 81,171        | 49%                   |
| Operational                                               | \$ 5,000     | \$ -                 | \$ 1,925     | \$ 3,075         | 39%                   |
| Total Expenditures                                        | \$ 621,660   | \$ 43,554            | \$ 233,722   | \$ 387,938       | 38%                   |
| Rev/Exp*                                                  | \$ -         | \$ 478,700           | \$ 299,261   |                  |                       |
| <b>ARPA Fund (101)</b>                                    |              |                      |              |                  |                       |
| Revenue-Transfers In/Interest                             | \$ 1,652,404 | \$ 636,339           | \$ 1,041,235 | \$ 611,169       | 63%                   |
| Expenditures                                              |              |                      |              |                  |                       |
| Project Appropriations                                    | \$ 1,628,404 | \$ 628,553           | \$ 995,604   | \$ 632,800       | 61%                   |
| Total Expenditures                                        | \$ 1,628,404 | \$ 628,553           | \$ 995,604   | \$ 632,800       | 61%                   |
| Rev/Exp                                                   | \$ 24,000    | \$ 7,786             | \$ 45,631    |                  |                       |
| *Any overages in these funds are covered by fund balance. |              |                      |              |                  |                       |

Finance

DEBT SERVICE FUND

Fiscal Year 2023-2024, Period Ending 3/31/2024

Monthly Financial Report

|                               | Budget       | Current Month Actual | YTD Actual   | Available Budget | % YTD of Total Budget |
|-------------------------------|--------------|----------------------|--------------|------------------|-----------------------|
| <b>Debt Service Fund (10)</b> |              |                      |              |                  |                       |
| <b>Revenue</b>                |              |                      |              |                  |                       |
| Property Taxes                | \$ 1,485,482 | \$ 26,273            | \$ 1,430,964 | \$ 54,518        | 96%                   |
| Interest Income               | \$ 15,000    | \$ 3,047             | \$ 17,834    | \$ (2,834)       | 119%                  |
| Total Revenues                | \$ 1,500,482 | \$ 29,320            | \$ 1,448,798 | \$ 54,518        | 97%                   |
| <b>Expenditures</b>           |              |                      |              |                  |                       |
| Debt Service                  | \$ 1,465,229 | \$ -                 | \$ 433,080   | \$ 1,032,149     | 30%                   |
| Rev/Exp                       | \$ 35,253    | \$ 29,320            | \$ 1,015,718 |                  |                       |

COMPONENT UNIT

|                                |              |            |            |              |      |
|--------------------------------|--------------|------------|------------|--------------|------|
| <b>Richland Hills EDC (26)</b> |              |            |            |              |      |
| <b>Revenue</b>                 |              |            |            |              |      |
| Sales Tax                      | \$ 1,219,286 | \$ 120,684 | \$ 423,098 | \$ 796,188   | 35%  |
| Interest Income                | \$ 42,000    | \$ 8,163   | \$ 41,536  | \$ 464       | 99%  |
| Total Revenues                 | \$ 1,261,286 | \$ 128,847 | \$ 464,634 | \$ 796,188   | 37%  |
| <b>Expenses</b>                |              |            |            |              |      |
| Operating                      | \$ 386,149   | \$ 57,627  | \$ 172,243 | \$ 213,906   | 45%  |
| Transfers Out                  | \$ 53,046    | \$ 53,046  | \$ 53,046  | \$ -         | 100% |
| Capital                        | \$ 900,000   | \$ 665     | \$ 1,349   | \$ 898,651   | 0%   |
| Debt Service                   | \$ 230,863   | \$ -       | \$ 42,931  | \$ 187,932   | 19%  |
| Total Expenditures             | \$ 1,570,058 | \$ 111,338 | \$ 269,569 | \$ 1,300,489 | 17%  |
| Rev/Exp*                       | \$ (308,772) | \$ 17,509  | \$ 195,065 |              |      |

\*Any overages in these funds are covered by fund balance.

DRAINAGE

|                            |              |           |            |            |     |
|----------------------------|--------------|-----------|------------|------------|-----|
| <b>Drainage Fund (022)</b> |              |           |            |            |     |
| <b>Revenue</b>             |              |           |            |            |     |
| Billing/Interest           | \$ 914,400   | \$ 76,923 | \$ 459,512 | \$ 454,888 | 50% |
| <b>Expenses</b>            |              |           |            |            |     |
| Operating                  | \$ 471,570   | \$ 11,147 | \$ 110,681 | \$ 360,889 | 23% |
| Capital                    | \$ 129,341   | \$ -      | \$ 85,981  | \$ 43,360  | 66% |
| Debt Service               | \$ 475,240   | \$ -      | \$ 44,820  | \$ 430,420 | 9%  |
| Total Fund                 | \$ 1,076,151 | \$ 11,147 | \$ 241,482 | \$ 834,669 | 22% |
| Rev/Exp*                   | \$ (161,751) | \$ 65,776 | \$ 218,030 |            |     |

\*Any overages in these funds are covered by fund balance.

# Fire

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## Fire Operations:

- Personnel completed **23** business inspections throughout the month.
- Members completed a combined **391** hours of training this month.
- The mutual aid agreement with Medstar Ambulance resulted in **55** responses during March and **39** transports to local hospitals.
- Turnout times averaged **49 seconds** for March. The national standard is 60 seconds or less.
- Response times for March averaged **4 minutes 17 seconds** from receipt of call-in dispatch to the first fire unit arriving on scene to assist.
- FM Brock is strictly enforcing fire lanes around the city to ensure access for emergency vehicles is maintained. Several citations have been issued.
- Smoke alarms continue to be available to those who need them. There is no cost and FD personnel will install them. No smoke detectors were installed in March.
- Vial of Life emergency medical information pouches are available at the fire station and Library.
- Medication disposal pouches are also available at the fire station. The box is mounted on the wall in the lobby of the new fire station. Please help yourself.
- Personnel are in the beginning stages of establishing a joint Police/Fire Honor Guard.
- Staff is working on establishing a Rehab Team for emergency incidents staffed by community volunteers who have graduated from the CFA or CPA.
- Calls in March 2024 were **10%** than calls in March 2023.

**Operations Response Data:**

| Service Calls – Through March 31, 2024 |               |            |              |
|----------------------------------------|---------------|------------|--------------|
|                                        | Current Month | March 2023 | FY2024 Total |
| Fire Calls                             | 9             | 6          | 39           |
| EMS/Major Accidents/ Rescues           | 92            | 89         | 514          |
| Hazardous Conditions – No Fire         | 4             | 21         | 34           |
| Public Assistance                      | 17            | 17         | 87           |
| Good Intent (No Service Rendered)      | 9             | 12         | 97           |
| False Alarm                            | 11            | 9          | 59           |
| Severe Weather & Natural Disaster      | 0             | 2          | 0            |
| Total Calls                            | 142           | 156        | 830          |
| Automatic / Mutual Aid                 |               |            |              |
|                                        | Current Month | March 2023 | YTD Total    |
| Aid Received                           | 65            | 21         | 301          |
| Aid Given                              | 16            | 35         | 100          |

**Medstar Response Data:**

| Priority            | Count of Monthly Responses | Transports | Transport Percentage | Average Response Time |
|---------------------|----------------------------|------------|----------------------|-----------------------|
| P1                  | 0                          | 0          | 0.00%                |                       |
| P2                  | 20                         | 15         | 75.00%               | 0:10:04               |
| P3                  | 8                          | 6          | 75.00%               | 0:10:20               |
| P4                  | 5                          | 1          | 20.00%               | 0:03:06               |
| P5                  | 20                         | 16         | 80.00%               | 0:10:17               |
| P6                  | 0                          | 0          | 0.00%                |                       |
| P7                  | 0                          | 0          | 0.00%                |                       |
| P8                  | 2                          | 1          | 50.00%               | 0:09:37               |
| Overall Total:      | 55                         | 39         | 70.91%               | 0:08:41               |
| Priority Total:     | 20                         | 15         | 75.00%               | 0:10:04               |
| Non-Priority Total: | 35                         | 24         | 68.57%               | 0:08:20               |

*Priority 1 calls are considered life threatening emergencies. Priority 2 and 3 calls are considered urgent response needed. Priorities 4 through 8 are decreasingly non-emergent in nature based on information from the caller.*

## **Emergency Management:**

- Monthly outdoor warning siren tests have been successful, and the new equipment seems to be working great.
- We continue to educate the public on the purpose of the sirens and the misconception that they should warn them inside their homes. Staff is planning to put together a public service announcement to further reinforce the intent and purpose of these warning tools.

## **Fire Marshal:**

**CO Inspections:** 4

**Annual Fire Inspections:** 23

**Fees Collected:** \$2,495.00

**Fire Alarm Inspection:** 3

**Fire Sprinkler Inspection:** 3

**School Inspections:** Completed Aug. 2023

**Church Fire Inspections:** 0

**Nursing Home Inspections:** 1

**Plan Reviews:** 1;

**Fees Collected:** \$399.30

**Code Consults:** 0

**Business Info Updates:** Armor Heat Treat has moved into 7110 Burns St. and is soon to be operating. Fox Commercial Services has moved to 2940 Wesley Way. The Mail Drop has opened at 7410 Blvd 26, Ste 103 as well as Collective Tendencies at 7410 Blvd 26 Ste. U.

**DRC Meetings:** N/A

**P&Z Meeting:** N/A

**Tarrant Co. Emergency Mgmt. Meeting:** Several Situational Awareness calls for Fire Weather and Severe Weather throughout the state. Awareness calls regarding Solar Eclipse and impact on area Public Safety, 911 call centers, Traffic, ER capacity, etc.

**NEFDA Haz-Mat Meeting:** March 7th, met to discuss NEFDA HazMat training at NRHFD for Hybrid Decon; purchases made for Lithium Ion overpacking drum, granules, and gloves; Grants in progress

for Vapor Camera and Training Kits. Primary and Secondary Radiological Training with CTOS for a NEFDA 3 Day Class. NEFDA Ops Policy was updated and approved by NEFDA Chiefs.

**TCFAI Meeting:** IAAI Electrical Class in Denton County in July, ALERRT class is being put on in summer 2024, Tarrant County D.A. office added 3<sup>rd</sup> person to review arson cases, no other information noted.

**Walkthroughs:** Scheduling for 2640 Wesley Way; Lockridge-Priest

**Uniforms:** N/A

**SCBA:** New Masks and Voice Amplifiers are ordered. Yearly Flow Tests are scheduled.

**Emergency Mgmt:** Looking at TDEM for available classes and grant resources/procedures. TDEM Conference in May (Ft. Worth) scheduled to attend.

**Training:** LLRMI Class in April for Fire Pattern Recognition and Identification. Attended NCTCOG Fire Advisory Board regarding local amendments for the upcoming 2024 International Fire Code.

**Investigations:** Processing backgrounds for Employment Candidates to fill vacant Full Time Firefighter/Paramedic position and Part Time Firefighter position.

**Other:** Diesel Generators for the pump stations/wells have begun installation, Fire Marshal will be on site for inspections after installation is completed.

Attended Easter Celebration Event and passed out Fire Prevention/Public Education materials.

Attended Customer Service Training via video.

A contractor has been selected to install a carport to be used for the four parking spaces on the Fire Department's east side, just next to the Post Office. Work should begin in early May and take approx. one week for completion.

Richland Crossing addition has some utilities in place and roads are concreted.

Baker Landing has several occupied homes already and several more are completed or in completion at the time.

# RICHLAND HILLS PUBLIC LIBRARY

FEBRUARY • 2024



## IMPACT

This February for "Love your Library" Month we encouraged people to leave us reviews on Google and Facebook. We received some very complementary reviews- too many to list here, so please google "Richland Hills Public Library" to read them and leave one as well!

Reading with Lady the Library Dog was popular for World Read Aloud Day and Library Director Chantele Hancock was a guest reader at Cheney Hills for the event as well.

The annual Adult Spelling Bee also took place in February. The Literary Club "Book Bees" defended their first place title! Both their team and the 2nd place team will compete in the Regional Bee on May 18th.

## KEY FACTS (LAST YEAR)

- 1198 Visitors (890)
- 337 Program Attendance (247)
- 17 Programs & Events (12)
- 2718 Total Items Checked Out (1954)
- 1803 Questions Answered (820)
- 1 Posters printed for other City Departments (19)
- 307 Computer Sessions (Not Available)

# Parks and Recreation Director's Report

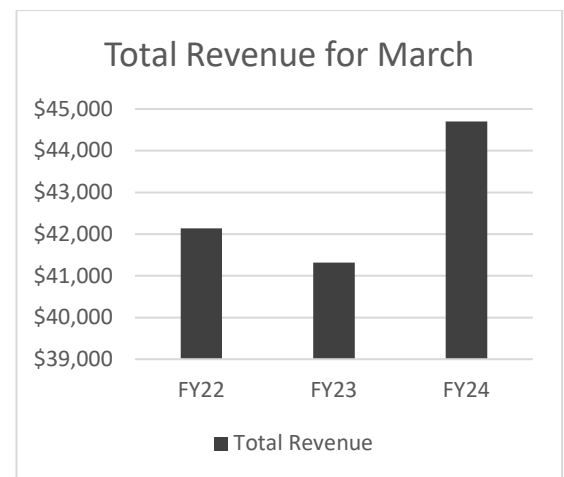
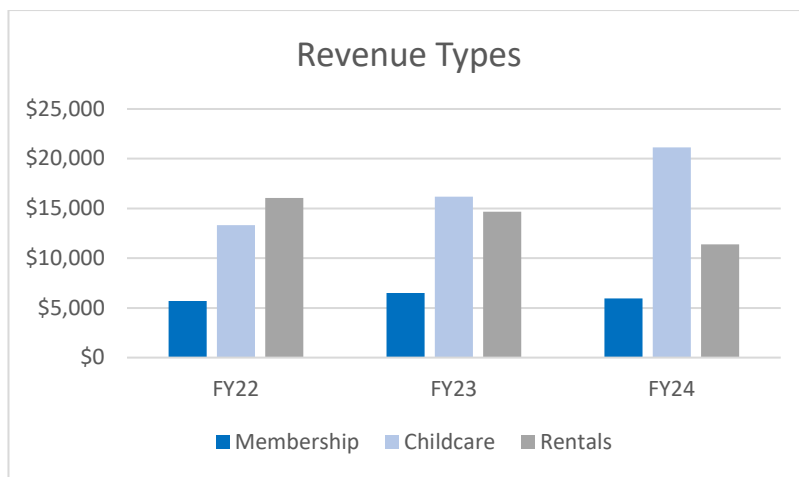
## February 2024



### Budget Analysis

March's revenue numbers beat the projected amounts. Staff is doing a wonderful job with childcare recruiting and retention. Every significant account increased in revenue except for rentals. The result was to bring in \$3,760.40 more than budgeted for March.

All together The Link has brought in \$290,423.96 or 50.9% of the annual revenue in 50% of the budget year.



Expenses for Link Operations totaled \$300,855.66 at the end of February. That accounts for 39.0% of annual budget in 41.7% of the budget year.

### Project/Program Updates

- **Memberships: \$5,956.16.** Membership received its typical March increase after the low in February. In this case, the increase was about \$750. That along with the monthly \$300 increase in Fitness Classes has the Link Membership line very near the projected amount.

With 15 sales and 18 terminations, the overall count is stagnated at 308 memberships at The Link. Scans increased slightly to 2,106 in March from 379 different users. The Link also had 94 day passes sold.

- Medicare programs brought in **\$2,330.00** in additional monthly fees from 159 active members.

- **Camp Connect and Link Learner's Academy (LLA): \$21,128.10.** The Link hosted 32 kids for Spring Break camp. The Link Learner's afterschool program is at 110 students from seven different area schools.
- **Programs:** Staff is continuing to work on bringing in more instructors with more classes. The goal is to have a wide variety of art, educational, and physical or athletic classes hosted at The Link.
  - **Classes:** Current classes

- Karate – 6
  - Belly Dancing – 4
  - Ballet I – 11
  - Homeschool Recess – 12 families
- o **Richland Hills Outdoor Programs and Education Series (RHOPES):** Staff will be accompanying five local families to Tyler State Park to learn more about nature and to enjoy the outdoors.
- o **Athletics:** The athletics at The Link includes free play pickleball, volleyball, and basketball opportunities in the gymnasium. \*These options are open to members for free and the public for a fee.
- Pickleball players\* – 64
  - Volleyball players\* – 59
- o **Special Events:** Staff hosted an estimated 900 people for the annual Easter Celebration. Held at Rosebud Park, there were 4 age-based egg hunts, visits with the Easter Bunny, petting zoo, train rides, animal balloons, face painting, games, crafts and more all for free.

Thanks to our Crafty Lit'l Chicks Sponsor, Cottage Care, for a \$500 sponsorship providing free crafts and balloon artists. Raising Canes and Buyer's Barricades also provided in kind services to benefit the event.

- o **Community Programs:** The Link, while designed to generate revenue, tries to find a balance with community programs that anyone can join.
- Lunch Bunch – Italian pasta was served to 84 attendees. 67 seniors stayed and played bingo for prizes.
  - Tarrant Area Food Bank – in association with Trinity Point Church – was held serving about 101 families.
  - Second Saturday Seminars – Tarrant Regional Water District supported March's Second Saturday Seminar. Their rain collection program includes a rain barrel. There were 18 participants.
- o **Senior Programs:** 12 seniors joined staff for a trip to the Dallas Arboretum for Dallas Blooms on March 6, and on March 20 there were 12 attendees for a trip to the Butterflies in the Garden. A new program for seniors, 7 seniors joined the Brown Bag Lunch and Bingo at The Link.
- **Parks:** Unfortunately, staff has determined that the 5-12 playground at Rosebud has reached the end of its lifespan for the city. Besides the slide that needs to be prepared, the decking is beginning to show extensive wear in the coating to the point that the metal has significant corrosion.

Staff's position is that since the older playgrounds are scheduled for demolition as the park improvements come to realization, that it is time to phase them out of use.

- o **Park Plan Updates:** Kate Baker was resurveyed. Staff is waiting on the updated schedule from C Green Scaping.

For Rosebud Improvements, the Parkhill design funds were approved by council. That project will also be progressing through the design and bid stages shortly.

- **Park Amenities:** Staff's next focus will be on installing benches, trash cans and pet waste posts on the Trail before the summer. This will be a more in-depth process as concrete pads will need to be poured for the benched.
- **Water Feature:** The majority of the winter damage has been replaced. As the system is fully charged, there was at least one further fix. Staff will schedule with vendors to take each of these steps as they are presented. Once the system is fixed and closed, staff will schedule with GPSI to come back out for chemical control and weekly maintenance.
- **Lighting:** Staff is working with Berkey's Electric and OES for a boom lift, to replace lamps at Rosebud and Creek Trail Parks. The first step is complete. Berkey's defined the full extent of the damage and offered a price for all replacements.
- **Landscaping:** Landscaping has begun. Staff is working with Nico's to ensure that they know the extent of each property's boundaries for services. Between their attention and the work beginning done on the medians. There is quite a visible improvement in the city's vegetative areas.
- **ROWS and Medians:** The 2023 Green Ribbon project has not been closed out as the vendor is still replacing the dead vegetation. The 2024 Green Ribbon project is progressing. The installation was completed in March. Staff is scheduled to walk through both projects for any service or installation gaps that the vendor will need to come back and fix.
- **Rentals: \$11,383.25** The Link hosted 60 rentals this month, including 4 city events. City rentals included the annual Employee Appreciation.

### Valuable Information:

- The indoor playground – The feature has been completed and will open to the public in March. A more official grand opening will be hosted on the Link's Birthday weekend along with the Esports room on April 27.

| Link Revenue                | March 2022          | March 2023          | March 2024          |  | Fiscal Year<br>21-22 YTD | Fiscal Year<br>22-23 YTD | Fiscal Year<br>23-24 YTD |
|-----------------------------|---------------------|---------------------|---------------------|--|--------------------------|--------------------------|--------------------------|
| <b>Classes</b>              | \$ 358.75           | \$ 336.50           | \$ 900.00           |  | \$ 2,782.12              | \$ 3,566.37              | \$ 5,561.00              |
| <b>Link Membership</b>      | \$ 5,677.25         | \$ 6,490.54         | \$ 5,956.16         |  | \$ 32,991.56             | \$ 35,744.57             | \$ 33,395.75             |
| <b>Day Passes</b>           | \$ 262.00           | \$ 284.00           | \$ 557.00           |  | \$ 1,779.00              | \$ 1,767.00              | \$ 2,270.00              |
| <b>Fitness Classes</b>      | \$ 275.19           | \$ 264.55           | \$ 622.23           |  | \$ 2,259.62              | \$ 1,293.32              | \$ 3,304.80              |
| <b>Personal Training</b>    | \$ 2,145.29         | \$ 229.38           | \$ 996.00           |  | \$ 14,665.62             | \$ 3,346.65              | \$ 2,232.00              |
| <b>Athletics</b>            | \$ 2,948.00         | \$ 1,548.50         | \$ 1,805.00         |  | \$ 13,973.04             | \$ 13,890.24             | \$ 9,769.50              |
| <b>Day Camps</b>            | \$ 3,548.25         | \$ 4,205.50         | \$ 4,928.00         |  | \$ 11,911.75             | \$ 11,519.00             | \$ 17,447.00             |
| <b>After School Program</b> | \$ 9,757.44         | \$ 11,980.20        | \$ 16,200.10        |  | \$ 54,887.42             | \$ 68,250.00             | \$ 106,361.00            |
| <b>Rentals</b>              | \$ 16,046.04        | \$ 14,676.42        | \$ 11,383.25        |  | \$ 113,293.98            | \$ 83,718.42             | \$ 87,531.00             |
| <b>Grand Total</b>          | <b>\$ 41,018.21</b> | <b>\$ 40,015.59</b> | <b>\$ 43,347.74</b> |  | <b>\$ 248,544.11</b>     | <b>\$ 223,095.57</b>     | <b>\$ 267,872.05</b>     |

\*this chart does not include all revenue streams.

## Police

- Staff from the police department attended the City's Annual Awards Luncheon on March 5th
- On Street Parking Ordinance was approved and adopted by City Council on March 11th
- Chief Sylvester and RHPD officers participated in the filming of a commercial to support Special Olympics Texas at Texas Roadhouse.
- From March 18<sup>th</sup> – 20<sup>th</sup>, Ashley Meine completed ILEA Level One Civilian Leadership Training
- RHPD staff participated in the Annual Easter Event on March 23rd
- From March 25th to 28th, Chief Sylvester and the Command Staff attended the Texas Police Chief's Association Conference in Galveston, where the police department was recognized for its successful reaccreditation.
- From March 25th to 26th, Ashley Meine completed TLETS, which is less than a full-access class in Waxahachie.

| Service Calls                                    |               |           |
|--------------------------------------------------|---------------|-----------|
|                                                  | Current Month | YTD Total |
| Total Calls for Service (CFS)                    | 2553          | 7682      |
| Calls for Service                                | 453           | 1239      |
| Field Generated CFS                              | 2100          | 6443      |
| Proactive Policing (Included in Field Generated) |               |           |
| Traffic Stops-Spillman                           | 574           | 1641      |
| Violations issued                                | 512           | 1358      |
| Warnings issued                                  | 455           | 1289      |
| Traffic stops resulting in an arrest             | 24            | 79        |
| Crime Prevention CFS                             | 476           | 1480      |
| Business Checks CFS                              | 623           | 1770      |
| Arrests                                          | 49            | 153       |
| Family Violence-included above                   | 3             | 13        |
| DWI Arrests-included above                       | 9             | 23        |
| Priority-1 Total Response Time                   | 3m 24s        |           |
| Priority-1 Officer Response Time                 | 2m 05s        |           |

### NOTES:

Response times remain in line with the performance objectives of the police department.

## Part 1 Offenses

|                               | Current Month | YTD Total |
|-------------------------------|---------------|-----------|
| Total Violent Crime Offenses  | 6             | 25        |
| Murder                        | 0             | 0         |
| Rape                          | 1             | 4         |
| Robbery                       | 0             | 0         |
| Aggravated Assault            | 1             | 3         |
| Simple Assault                | 4             | 17        |
| Total Property Crime Offenses | 13            | 55        |
| Burglary                      | 1             | 2         |
| Business                      | 1             | 2         |
| Residential                   | 0             | 0         |
| Larceny                       | 3             | 32        |

|                           |           |           |
|---------------------------|-----------|-----------|
| Burglary of Motor Vehicle | 6         | 14        |
| Auto Theft                | 3         | 9         |
| Part -1 Offenses Cleared  | 5         | 45        |
| Clearance Rate %          | 26.32%    | 57.50%    |
| Stolen Property Reported  | \$352,531 | \$489,019 |
| Stolen Property Recovered | \$15,000  | \$24,353  |

**NOTES:**

## Traffic Unit Program

|                                           | Current Month | YTD Total |
|-------------------------------------------|---------------|-----------|
| Traffic Stops                             | 0             | 74        |
| Citations                                 | 0             | 60        |
| Violations                                | 0             | 76        |
| Speed Related                             | 0             | 12        |
| Fail to Maintain Financial Responsibility | 0             | 6         |
| Expired Registration                      | 0             | 1         |
| All Other Violations                      | 0             | 57        |
| Warnings                                  | 0             | 47        |
| Accident Investigations                   | 0             | 2         |
| Reactive Traffic Enforcement              | 0             | 3         |
| Parking Complaint                         | 0             | 0         |
| Traffic Complaint                         | 0             | 3         |
| Proactive Traffic Enforcement             | 0             | 57        |
| Citizen Initiated                         | 0             | 16        |
| Officer Initiated                         | 0             | 15        |
| School Zone                               | 0             | 26        |
| Arrest                                    | 0             | 1         |
| Impaired Driver                           | 0             | 0         |
| Warrants                                  | 0             | 1         |
| On-View                                   | 0             | 0         |

**NOTES:** The Traffic Unit has been temporarily suspended due to staffing issues. Once positions are filled, we will reactivate the unit.

## Traffic Accidents

|                         | Current Month | YTD Total |
|-------------------------|---------------|-----------|
| Crash Reports           | 11            | 38        |
| Accidents-Major         | 10            | 18        |
| Accidents-Minor         | 18            | 47        |
| Alcohol/Drug Impairment | 0             | 2         |

**NOTES:**

## Records

|  | Current Month | YTD Total |
|--|---------------|-----------|
|--|---------------|-----------|

|                                              |                      |                  |
|----------------------------------------------|----------------------|------------------|
| Sex Offender Registrations                   | 1                    | 4                |
| Open Records Requests                        | 49                   | 140              |
| Solicitors Permits                           | 1                    | 1                |
| <b>Property &amp; Evidence</b>               |                      |                  |
|                                              | <b>Current Month</b> | <b>YTD Total</b> |
| Pieces of Property Received                  | 109                  | 286              |
| Items Taken to Lab for Narcotics Testing     | 20                   | 39               |
| Items Taken to Lab for Blood Alcohol Content | 9                    | 22               |
| Crime Scene Call-Outs Richland Hills         | 2                    | 4                |
| Crime Scene Call-Outs Haltom City            | 1                    | 1                |
| <b>Criminal Investigations</b>               |                      |                  |
|                                              | <b>Current Month</b> | <b>YTD Total</b> |
| New Assigned Cases                           | 78                   | 313              |
| Current Open Cases                           | 65                   |                  |
| Total Warrants Issued                        | 7                    | 20               |
| Misdemeanor Arrest Warrant                   | 2                    | 6                |
| Felony Arrest Warrant                        | 4                    | 13               |
| Search Warrant                               | 1                    | 2                |
| Charges Filed with TCDA                      | 13                   | 113              |
| New Emergency Protective Orders              | 1                    | 7                |
| <b>NOTES:</b>                                |                      |                  |

## Animal Services

- Vax Shack provided 37 low-cost Spays & Neuters for shelter pets and publicly owned animals.
- Vax Shack shot clinic provided just over 100 immunizations on clinic day!
- The next surgery and shot clinic day will be Thursday, April 25, 2024.
- Final walk-thru was completed for the drainage and parking lot expansion

|                          |                      |                  |
|--------------------------|----------------------|------------------|
|                          | <b>Current Month</b> | <b>YTD Total</b> |
| Total Dispatched Calls   | 23                   | 59               |
| <b>Impounds</b>          |                      |                  |
|                          | <b>Current Month</b> | <b>YTD Total</b> |
| DOGS                     | 12                   | 34               |
| CATS                     | 20                   | 44               |
| OTHER THAN DOGS/CATS     | 0                    | 0                |
| TOTAL                    | 32                   | 78               |
| <b>Incidents by Type</b> |                      |                  |
|                          | <b>Current Month</b> | <b>YTD Total</b> |

|                   |    |    |
|-------------------|----|----|
| ANIMALS AT LARGE  | 4  | 13 |
| AGGRESSIVE ANIMAL | 3  | 6  |
| ANIMAL COMPLAINTS | 11 | 34 |
| INJURED ANIMALS   | 3  | 4  |
| TOTAL             | 21 | 57 |

**NOTES:**

**Bite Reports**

|                                      | Current Month | YTD Total |
|--------------------------------------|---------------|-----------|
| ANIMAL BITES                         | 1             | 1         |
| SHELTER QUARANTINE                   | 0             | 0         |
| HOME QUARANTINE                      | 1             | 1         |
| SUBMISSION &/or Owner Req Euthanasia | 0             | 0         |
| UNABLE TO LOCATE                     | 0             | 0         |

**NOTES:**

3100 block of Cedar Park, neighbor's dog climbed over the fence into the victim dog's backyard, where an animal-on-animal bite occurred. Suspect canine was placed into home quarantine. The Animal Control Officer completed the investigation and filed a Dangerous Animal affidavit with the Richland Hills Municipal Court.

**Disposition of Animals out of the Shelter**

|                                | Current Month | YTD Total |
|--------------------------------|---------------|-----------|
| DOGS ADOPTED                   | 10            | 22        |
| CATS ADOPTED                   | 10            | 39        |
| RETURNED TO OWNER/YARD         | 6             | 14        |
| TRANSFERRED/RESCUED            | 1             | 3         |
| EUTHANIZED/ LOST/ DIES IN CARE | 2             | 3         |

**City License Issued**

|        | Current Month | YTD Total |
|--------|---------------|-----------|
| ISSUED | 6             | 25        |

**Citations/Violations Issued**

|                  | Current Month | YTD Total |
|------------------|---------------|-----------|
| CITATIONS ISSUED | 6             | 12        |
| WARNINGS ISSUED  | 0             | 0         |

**PUBLIC WORKS – Work Orders****TOTAL WORK ORDERS: 411****STREETS**

|                                      | CURRENT   | YTD        |
|--------------------------------------|-----------|------------|
| <b>Potholes</b>                      | <b>77</b> | <b>315</b> |
| Street Patch                         | 0         | 0          |
| Debris Removal/Mowing                | 1         | 15         |
| Sign Repair/Install                  | 52        | 134        |
| Manhole Repairs                      | 0         | 0          |
| After Hour Calls                     | 1         | 3          |
| Other (Mosquito Testing/Spray, etc.) | 6         | 10         |

**WATER**

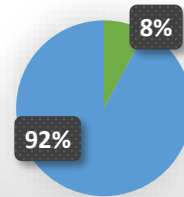
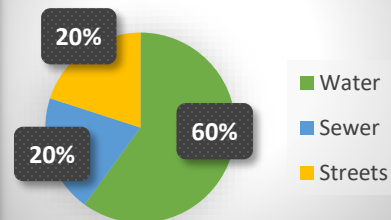
|                                    | CURRENT  | YTD      |
|------------------------------------|----------|----------|
| <b>Water Line Break</b>            | <b>1</b> | <b>6</b> |
| Water Line Repair                  | 0        | 1        |
| Meter Leak/Repair                  | 26       | 37       |
| After Hour Calls                   | 3        | 23       |
| Other (Water pressure, odor, etc.) | 15       | 31       |

**SEWER**

|                         | CURRENT  | YTD      |
|-------------------------|----------|----------|
| <b>Sewer Line Break</b> | <b>1</b> | <b>1</b> |
| Sewer Line Repair       | 0        | 0        |
| Household Back-up       | 17       | 38       |
| Drainage                | 13       | 18       |
| After Hour Calls        | 1        | 9        |
| Other (Odor, etc.)      | 6        | 11       |

**LINE LOCATES**

■ Emergency ■ Non-emergency

**AFTER-HOUR CALLS****UTILITIES – Work Orders****TOTAL WORKORDERS: 312**

| SERVICES         |         |     | GENERAL                                    |         |     |
|------------------|---------|-----|--------------------------------------------|---------|-----|
|                  | CURRENT | YTD |                                            | CURRENT | YTD |
| Meter Turn On    | 83      | 268 | Possible Leak                              | 23      | 48  |
| Service Shut Off | 81      | 285 | Meter Repairs/Replacement                  | 4       | 17  |
| Final Reads      | 28      | 117 | Reset Encoder                              | 26      | 60  |
| Service Starts   | 39      | 110 | No Reads                                   | 12      | 60  |
| Re-Read Meter    | 2       | 28  | Other (Low Consumption, Meter Tests, etc.) | 14      | 47  |

**Operational Updates**

- 5400' of sewer line cleaned.
- 62 man-hours spent reading wells and water sampling.
- 16 man-hours spent conducting NAP Testing.
- Routine levee maintenance and mowing.
- Routine storm preparation (chainsaw maintenance, prep sandbags, prepped dump truck with sand for the spreading, etc.).
- Lift Station Maintenance.
- Staff assisted the Animal Shelter in installation of the canopies covering the outdoor dog runs.

- Generator Project is underway.
- The Rena water tank interior and exterior renovations and repairs have been completed.
- The 2023 Water Quality Report is complete pending water testing numbers from the City of Fort Worth.
- New street signs have been ordered.
- Quotes received from 3 fencing companies to replace the fence around the Public Works equipment/fleet yard.
- Annual Industry inspection was conducted at Accurate Metal Stamping.
- Curro Environmental conducted quarterly water sampling/testing.
- Staff assisted the Link staff during the Easter event.

## Staff Updates

- Robert Freeman and Juan Martinez were awarded the 2023 “Teamwork” Award at our Annual Employee Appreciation Luncheon.
- Maintenance Technician staff met with Superintendents for 6-month evaluations.
- Superintendent, Kelly Morris attended Surface Water Production I training.
- Jessie Pierson and Hoang Pham were registered for Water Distribution Training.



**Robert Freeman and Juan Martinez**  
2023 “Teamwork” Award Recipients

