

**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING AGENDA  
MAY 13, 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. Recognition of Mayor Edward Lopez
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. National Police Week Proclamation
- B. National Public Works Week Proclamation
- C. National Emergency Medical Services Week Proclamation
- D. National Public Service Recognition Week Proclamation
- E. Employee Service Award
  - Public Works Superintendent Kelly Morris – 10 years
- 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 22, 2024 City Council Regular Meeting and the April 30, 2024 City Council and the Planning and Zoning Commission Joint Meeting
- B. Approve a Replat for the property described as Lots 1 and 6, Block 16, Richland Hills South – Section 3, otherwise known as 6500 Lavon Dr and 2800 Mary Boaz St, Richland Hills, Texas 76118
- C. Approve Interlocal Cooperative Purchasing Agreement between the City of Southlake and City of Richland Hills
- D. Approve emergency repairs to the sewer main at Oak Park Drive and Willow Park Street by Excel 4 Construction in the amount of \$87,965 utilizing the approved unit price contract for drainage, water and sanitary sewer repair
- E. Approve Ordinance 1501-24 approving and adopting an amended budget for Fiscal Year 2024 authorizing an expenditure of \$10,000 to Serving our Seniors and \$74,355 to Atmos Energy

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

- A. Consider Ordinance 1498-24 a Specific Use Permit (2024-0217) to permit a Guest House for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118 **PUBLIC HEARING**
- B. Consider Ordinance 1499-24 adopting the 2024 Standards of Care for youth programs provided by The Link Event & Recreation Center **PUBLIC HEARING**
- C. Consider Ordinance 1500-24 adopting an updated Drought Contingency and Emergency Water Management Plan **PUBLIC HEARING**

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

A. None

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

A. Consider Interlocal Agreement with Tarrant County to provide \$5,821,025 in bond funding for reconstruction of Glenview Drive through the Tarrant County 2006 Transportation Bond Program (2006 TBP) and the Tarrant County 2021 Transportation Bond Program (2021 TBP)

#### **6. OTHER ITEMS FOR CONSIDERATION**

A. None

#### **7. REPORTS & DISCUSSIONS**

A. None

#### **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 8<sup>th</sup> day of May 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: May 13, 2024

Subject: Mayor Lopez Recognition

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## **Agenda Item:**

Recognition of Mayor Edward Lopez

## **Background Information:**

Edward Lopez was first elected to the Richland Hills City Council in 2011. He served as Mayor Pro Tem from 2011 – 2017. He was elected Mayor by the Richland Hills voters in 2018 and was reelected as Mayor in 2020 and 2022.

Edward Lopez is completing his final term as Mayor of Richland Hills and the City will be honoring his service to the community with a special recognition ceremony. Council Members, citizens and other dignitaries will have the opportunity to speak to Mayor Lopez's contributions to Richland Hills as a Mayor, Mayor Pro Tem and Council Member.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

N/A

## **Council Action Requested:**

None

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: May 13, 2024

Subject: Presentation of National Police Week Proclamation

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## **Agenda Item:**

National Police Week Proclamation

## **Background Information:**

In recognition of “National Police Week”, Mayor Lopez will present a Proclamation to Richland Hills Chief of Police Kimberly Sylvester.

National Police Week occurs every May, and in 2024 the National Law Enforcement Memorial and Museum will hold ceremonies, including the 36<sup>th</sup> Annual Candlelight Vigil, to honor the fallen officers whose names have recently been added to the Memorial.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

National Police Week Proclamation

## **Council Action Requested:**

Presentation of National Police Week Proclamation

# Proclamation



**WHEREAS**, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Richland Hills Police Department; and

**WHEREAS**, since the first recorded death in 1786, more than 24,067 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

**WHEREAS**, 282 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 118 officers killed in 2023 and 164 officers killed in previous years; and

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36<sup>th</sup> Candlelight Vigil, on the evening of May 13, 2024; and

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which will be observed this year May 12 – 18; and

**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 12 – 18, 2024 as:

## ***NATIONAL POLICE WEEK***

in Richland Hills, Texas, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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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: May 13, 2024

Subject: National Public Works Week Proclamation

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## **Agenda Item:**

National Public Works Week Proclamation

## **Background Information:**

In recognition of “National Public Works 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 Public Works Week Proclamation

## **Council Action Requested:**

Presentation of National Public Works Week Proclamation

# Proclamation



**WHEREAS**, public works services provided in our community are an integral part of our citizen's everyday lives; and

**WHEREAS**, the support of an understanding and informed public is vital to the efficient operation of public works systems and programs including water, sewer, streets, public buildings, solid waste collection, landfill, wastewater disposal, code enforcement and engineering to provide these essential services to our citizens; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding the importance of the work they perform.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 19 – 24, 2024 as:

## ***NATIONAL PUBLIC WORKS WEEK***

in Richland Hills, Texas, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

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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: May 13, 2024

Subject: National Emergency Medical Services Week Proclamation

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## **Agenda Item:**

National Emergency Medical Services Week Proclamation

## **Background Information:**

In recognition of “National Emergency Medical Services Week”, Mayor Lopez will present a Proclamation to Richland Hills Fire Chief Russell Shelley.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

National Emergency Medical Services Week Proclamation

## **Council Action Requested:**

Presentation of National Emergency Medical Services Week Proclamation

# Proclamation



**WHEREAS**, emergency medical services is a vital public service; and

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 19 – 25, 2024 as:

## ***NATIONAL EMERGENCY MEDICAL SERVICES WEEK***

in Richland Hills, Texas, and encourage the community to recognize the extraordinary contributions and heroism of our local emergency medical services providers through taking part in appropriate programs and activities.

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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: May 13, 2024

Subject: Public Service Recognition Week Proclamation

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## **Agenda Item:**

Public Service Recognition Week Proclamation

## **Background Information:**

In recognition of “Public Service Recognition Week”, Mayor Lopez will present a Proclamation to Richland Hills City Manager Candice Edmondson.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

Public Service Recognition Week Proclamation

## **Council Action Requested:**

Presentation of Public Service Recognition Week Proclamation

# Proclamation



**WHEREAS**, Public Service Recognition Week is an annual celebration to honor the invaluable contributions of our dedicated public servants; and

**WHEREAS**, the City of Richland Hills is proud to recognize the tireless efforts of our public servants who work diligently to enhance the quality of life for all residents; and

**WHEREAS**, our public servants, including but not limited to firefighters, law enforcement officers, public works employees, parks and recreation, library and administrative staff, consistently demonstrate unwavering commitment, professionalism, and selflessness in their service to the community; and

**WHEREAS**, the dedication and resilience exhibited by our public servants are especially evident in times of crisis, as they tirelessly work to ensure the safety, health, and well-being of our citizens; and

**WHEREAS**, Public Service Recognition Week provides an opportunity for our community to express gratitude and appreciation for the vital role played by our public servants in making Richland Hills a vibrant, thriving, and inclusive place to live, work, and play; and

**WHEREAS**, the City of Richland Hills acknowledges the sacrifices made by public servants and their families, and recognizes the importance of fostering a supportive environment that promotes their professional growth, well-being, and recognition.

**NOW, THEREFORE**, be it resolved that I, Edward Lopez, Mayor of the City of Richland Hills, do hereby proclaim May 6 – 11, 2024 as:

## ***PUBLIC SERVICE RECOGNITION WEEK***

in Richland Hills. I urge all residents to join me in expressing gratitude and appreciation to our public servants for their dedicated service and unwavering commitment to the betterment of our community.

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Mayor Edward Lopez  
City of Richland Hills

# Memorandum

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

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

Date: May 13, 2024

Subject: Employee Service Award

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## **Agenda Item:**

Presentation of 10-year Service Award to Public Works Superintendent Kelly Morris

## **Background Information:**

Kelly Morris was born and raised just across the Richland Hills border and in 2008, graduated from Birdville high school. Shortly after high school graduation, Kelly joined the United States Navy where he served for five years as an Aviation Machinist Mate.

Following two deployments, in the summer of 2013, Kelly returned home as a Veteran to enjoy the freedom of being home. In June 2014, Kelly joined the Richland Hills Public Works Department starting off working in the streets department where he pushed asphalt, mowed ditches and installed street signs for the first two years. After learning more about state requirements and obtaining basic licenses he then transferred to the wastewater department and after two years, Kelly took on a role on the water side of the City's infrastructure.

With more licenses came more responsibility, Kelly soon became the SCADA operator. As more time passed and several tenured employees retired, Kelly found an opportunity to advance even further into the Superintendent role alongside Justin Meine. Countless emergency call outs and late nights, even multiple days at a time, Kelly and his team have always prevailed in keeping our water system and wastewater system up and running for our residents here in Richland Hills.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

**Attachments:**

N/A

**Council Action Requested:**

Presentation of 10-year Service Award to Public Works Superintendent Kelly Morris

# Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: May 13, 2024

Subject: Minutes from the April 22, 2024 Regular City Council Meeting and the April 30, 2024 City Council and the Planning and Zoning Commission Joint Meeting

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## **Agenda Item:**

Approval of minutes from the April 22, 2024 City Council Regular Meeting and the April 30, 2024 City Council and the Planning and Zoning Commission Joint Meeting

## **Background Information:**

N/A

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

April 22, 2024 Draft Minutes

April 30, 2024 Joint Meeting Draft Minutes

## **Council Action Requested:**

Motion to approve the minutes from the April 22, 2024 City Council Regular Meeting and the April 30, 2024 City Council and the Planning and Zoning Commission Joint Meeting

**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING  
APRIL 22, 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 – 6:00 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.

**Motion:** Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Estep to adjourn into Executive Session at 6:00 p.m.

Motion carried by a vote of 7-0.

Mayor Lopez reconvened into open session at 6:40 p.m.

2. **75<sup>th</sup> Anniversary Committee Update**

Library Director Chantele Hancock provided a brief overview of the objectives and goals of the 75<sup>th</sup> Anniversary Committee and stated that the Richland Hills 75<sup>th</sup> Anniversary will be honored through signage, activities, events and celebrations in 2025. The objective is to celebrate and shine a light on the history, community and people of Richland Hills and the culminating celebration will be held September 27, 2025.

Ms. Hancock advised that the theme will be “Rich In . . .” Rich in ... Agriculture, History, Community, Culture, and Art.

Committee member Jennifer Hartzke presented marketing and sponsorship ideas and introduced the logo for the 75<sup>th</sup> Anniversary.

Committee member Diane Barrette provided a brief overview of the planned oral and video histories that will be documented for the anniversary as well.

**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.**

None.

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

**REGULAR SESSION – Mayor Lopez Called to Order – Time 7:05 p.m.**

**INVOCATION AND PLEDGES OF ALLEGIANCE – Mayor Lopez**

**PRESENTATIONS**

**1A. Business Spotlight: The Casual Cat Cafe**

Director of Planning & Development Services JP Ducay introduced Cindy Pennington, owner of The Casual Cat Cafe located at 7264 Glenview Drive. They received their Certificate of Occupancy on June 6, 2017.

Ms. Pennington expressed her appreciation to the City for the welcome and continued support over the years.

**1B. National Crime Victims Rights Week Proclamation**

Mayor Lopez read a proclamation declaring April 21 – 27, 2024, as “National Crime Victims Week” in Richland Hills and presented the proclamation to Victim Assistance Coordinator Teresa Koontz, and Victim Assistance Specialists Dennise Espeleta and Valerie Farrell with the North Richland Hills Police Department.

**1C. Municipal Clerks Week Proclamation**

Mayor Lopez read a proclamation declaring May 5 – 11, 2024, as “Professional Municipal Clerks Week” in Richland Hills and presented the proclamation to City Secretary Lindsay Rawlinson.

**1D. National Corrections Officer Week Proclamation**

Mayor Lopez read a proclamation declaring May 5 – 11, 2024, as “National Corrections Officer Week” in Richland Hills and presented the proclamation to Detention Facility Manager Justin Smith, and Detention Officers Nathan Patterson and Michael Vastine with the North Richland Hills Police Department.

**1E. National Drinking Water Week Proclamation**

Mayor Lopez read a proclamation declaring May 5 – 11, 2024, as “National Drinking Water Week” in Richland Hills and presented the proclamation to Director of Public Works and Capital Projects Kip Dernovich.

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

None.

**CONSENT AGENDA****2A. Approved minutes from the April 8, 2024 City Council Regular Meeting****2B. Approved 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****2C. Approved Resolution 594-24 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife**

**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****4A. Approved 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”**

Police Chief Kimberly Sylvester presented the proposed ordinance to the City Council and advised that 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.

Discussion ensued regarding the fee structure and property owner responsibilities.

**Motion:** Motion was made by Councilmember Bledsoe and seconded by Councilmember Goveas 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."

Motion carried by a vote of 7-0.

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

##### **5A. Awarded 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**

Director of Public Works and Capital Projects Kip Dernovich presented the item to the City Council and advised that 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.

A request for sealed bids was issued for the Richland Hills Fence Project (Public Works / Parks) in March of 2024. Three responses were received and after evaluation of the bids, it was determined that Rollins Fence Company had submitted the best value bid at \$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).

Vicki Hamilton, 7905 Leslie Drive, Richland Hills, expressed her preference for a privacy fence near Creek Trail Park.

**Motion:** Motion was made by Mayor Pro Tem Estep and seconded by Councilmember Malone 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.

Motion carried by a vote of 7-0.

**5B. Approved 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**

Director of Public Works and Capital Projects Kip Dernovich presented the item to the City Council and advised that the City 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 which mandated all water systems have contingency plans in place to maintain sufficient water supplies.

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. 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. 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.

**Motion:** Motion was made by Councilmember Knowlton and seconded by Councilmember Malone 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.

Motion carried by a vote of 7-0.

**OTHER ITEMS FOR CONSIDERATION**

- 6A. Approved 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**

Director of Planning and Development Services JP Ducay advised that 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.

*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. 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.

Discussion ensued regarding the cost to the City in unexpected legal fees.

**Motion:** Motion was made by Councilmember Knowlton and seconded by Councilmember Goveas 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.

Motion carried by a vote of 7-0.

**6B. Approved 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**

Director of Planning and Development Services JP Ducay advised that 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 to one foot.
  - 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 to ten feet.
  - This request was denied, and the applicant was instructed to reduce the height of the carport from ten feet to nine feet.

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.

*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:

- (8) 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.
- (9) 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.
- (10) Preservation of property rights. That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- (11) 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.
- (12) 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.
- (13) Precedent. The granting of an individual zoning variance will not set a precedent.
- (14) 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.

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.

Discussion ensued regarding the Zoning Board of Adjustment receiving training during the worksession of the April 2, 2024 meeting and a review of the cases during the Executive Session with the City Attorney.

**Motion:** Motion was made by Councilmember Goveas and seconded by Councilmember Knowlton 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.

Motion carried by a vote of 7-0.

## **REPORTS & DISCUSSIONS**

### **7A. Street Improvement Projects**

Director of Public Works and Capital Projects Kip Dernovich provided the street improvement projects update and advised that the Magnolia Park project (Mimosa Park to Rosebud Lane) has recently begun the process of accepting bid proposals.

### **7B. 2<sup>nd</sup> Quarter Investment Report**

Interim Finance Director Terry Leake provided the 2<sup>nd</sup> Quarter Investment Report for FY2024 and advised that the City is in a strong financial position.

### **7C. Clean, Green & Lean Event**

Director of Parks and Recreation Jason Brown presented information regarding the upcoming Clean, Green & Lean event to be held Saturday, April 27, 2024, from 8:00 to 10:00 a.m. across the parks and the Hike and Bike Trail and from 10:00 a.m. to 2:00 p.m. at The Link.

**7D. March Department Reports**

Director of Parks and Recreation Jason Brown provided the Parks Department update and advised of Link financials and a brief recap of the City's Easter event held Saturday, March 23, 2024.

Interim Finance Director Terry Leake provided the Financial report including sales tax and property tax collection.

Police Chief Kimberly Sylvester provided the Police Department and Code Compliance updates and advised of trainings completed and calls for service.

**COMMUNITY INTEREST ITEMS**

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

- Monday, April 22, 2024 through Tuesday, April 30, 2024, Early Voting for the General and Special Elections;
- Now through May 15, 2024, Pick A Perk Link Membership Sale;
- Saturday, April 27, 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.;
- Thursday, May 2, 2024, Music in the Park, The Link Plaza, 7:00 p.m.;
- Saturday, May 4, 2024, Election Day, Council Chambers, 7:00 a.m. to 7:00 p.m.;
- Thursday, May 9, 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.;
- Thursday, May 16, 2024, Music in the Park, The Link Plaza, 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 Malone and seconded by Mayor Pro Tem Estep 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 9:12 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Lindsay Rawlinson, City Secretary

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

**MINUTES OF A JOINT MEETING OF THE  
CITY COUNCIL AND THE PLANNING & ZONING COMMISSION  
APRIL 30, 2024**

Roll Call:

Council present

Edward Lopez, Mayor  
GW 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

Planning & Zoning Members Present

Michael Wilson, Chair  
Kenneth Keating, Place 1  
Jackson Durham, Place 3  
Mary Witt, Place 4  
Keith Albee, Alternate 1  
Curtis Bergthold, Alternate 2

Planning & Zoning Members Absent

Kelle Jones, Place 5

Staff present

Candice Edmondson, City Manager  
Lindsay Rawlinson, City Secretary  
JP Ducay, Director of Planning and Development Services

**JOINT MEETING – 7:30 P.M.**

**1. CALL TO ORDER**

Mayor Lopez called the joint meeting of the City Council and the Planning & Zoning Commission to order at 7:30 p.m.

**REGULAR AGENDA**

**2. Introduce the Comprehensive Plan project, provide a progress report, initiate group discussion of issues, goals, and objectives.**

Halff Associates Senior Planner Nathlie Booth introduced herself as the Project Manager for the City of Richland Hills Comprehensive Plan update and introduced her team, PLA Deputy Practice Leader, Matt Bucchin, Director of Planning/Team Leader Brad Johnson, and Urban Planner Shelby Sweet.

Ms. Booth introduced the concept of a Comprehensive Plan and its importance to Richland Hills stating that the Plan will help the City with long range planning for topics

such as capital improvements, zoning regulations, and departmental plans. She advised of the schedule for discussion, review, and implementation stating that the Plan is tentatively scheduled for final approval by the City Council in late 2024/early 2025.

Discussion ensued regarding the overall Plan and what makes Richland Hills unique. Members stated that many citizens have deep roots in the community, the city has a rural feel in an urban environment, and the neighborhoods are not cookie cutter.

Further discussion ensued regarding traffic issues in the City as well as the surrounding community leading into Richland Hills.

Ms. Booth advised of the next steps in the process stating that Halff Associates has completed its initial data collection and a second round of community engagement will be scheduled to finetune and frame the plan. The Comprehensive Plan Advisory Committee will meet again in the summer and a second community engagement event will also be held in the summer.

### **3. ADJOURNMENT**

There being no further business to come before the joint meeting of the City Council and the Planning & Zoning Commission, Mayor Lopez and Chair Wilson declared the meeting adjourned at 8:57 p.m.

**ATTEST:**

**APPROVED:**

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Lindsay Rawlinson, City Secretary

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Edward Lopez, Mayor

**APPROVED:**

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Michael Wilson, Chair

# Memorandum

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

From: JP Ducay, Director of Planning and Development Services

Date: May 13, 2024

Subject: Richland Hills South - Section 3, Replat

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## **Agenda Item:**

Approve a Replat for the property described as Lots 1 and 6, Block 16, Richland Hills South – Section 3, otherwise known as 6500 Lavon Dr and 2800 Mary Boaz St, Richland Hills, Texas 76118

## **Background Information:**

On March 18, 2024, an application for a replat (case 2024-0004) including 0.53 acres was submitted by David Lewis with Spry Surveyors (applicant) on behalf of Larwence Ludwig (owner). The purpose of this plat is to unify Lots 1 and 6 to create Lot 1R in an effort to bring the site into compliance and construct a garage. The application is administratively complete and meets the requirements of Article II Plats.

## **Financial Considerations:**

Approval of the replat will require no additional funding from the City.

## **Legal Review:**

N/A

## **Board/Citizen Input:**

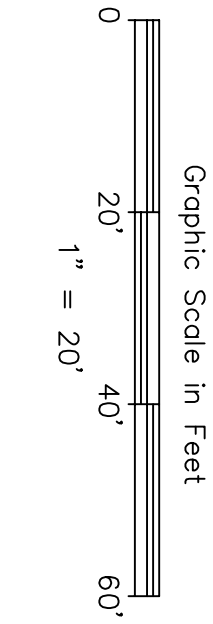
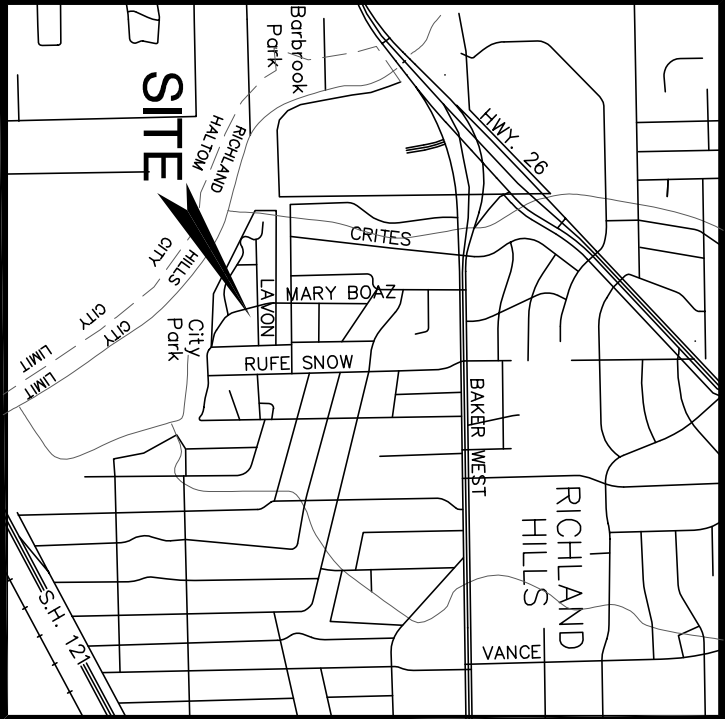
The Planning and Zoning Commission recommended unanimous approval of the replat on April 23, 2024.

## **Attachments:**

Proposed Replat  
Original Plat

**Council Action Requested:**

Motion to approve a Replat for the property described as Lots 1 and 6, Block 16, Richland Hills South – Section 3, otherwise known as 6500 Lavon Dr and 2800 Mary Boaz St, Richland Hills, Texas 76118



**A B R E V I A T I O N S**

D.R.I.C.T.: DEED RECORDS OF TARRANT COUNTY, TEXAS  
P.R.T.C.T.: PLAT RECORDS OF TARRANT COUNTY, TEXAS  
VOL.: VOLUME  
Pg.: PAGE  
CAB: CABINET  
DOC. NO.: DOCUMENT NUMBER  
C.M.: CONTROLLING MONUMENT  
IRF: IRON ROD FOUND  
R.O.W.: RIGHT-OF-WAY  
U.E.: UTILITY EASEMENT  
NG: NATURAL GROUND

**NOTES**

1. This Survey is issued without the benefit of a current title report and is subject to revision upon receipt thereof. Surveyor has done no additional research for possible easements, restrictions or covenants which may affect this property.
2. All bearings shown hereon are based on the Texas Coordinate System of 1983, North Central Zone.
3. According to the Flood Insurance Rate Map No. 4843902015L, published by the Federal Emergency Management Agency, dated: March 21, 2019, all of the surveyed property shown hereon lies within the special flood hazard area shaded "X", defined as areas between the limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or more the contributing drainage area is less than one (1) square mile; or areas subject to flooding from a reservoir, levee, dike, dam, or other artificial barrier. Flooded areas are indicated by wavy lines. Flooded areas may require actual topographic support data for final determination of flood limits, regarding construction permits.
4. On the issue date of this survey the surveyed property shown hereon is zoned SF-10 (Single-Family Residential) according to the City of Richland Hills zoning ordinance maps.
5. This plat does not alter or remove existing deed restrictions or covenants, if any, on this plat.

**OWNER'S DEDICATION  
STATE OF TEXAS  
COUNTY OF TARRANT**

WHEREAS Lawrence Layne Ludwig is the owner of all that certain 0.5369 of an acre of land by virtue of the deed recorded in Document Number D219085102, Deed Records of Tarrant County, Texas (D.R.T.C.T.) which is Lots 1 & 6, Block 16, Richland Hills South, Section 3, recorded in Volume 388-7, Page 59, in the Plat Records of Tarrant County, Texas (P.R.T.C.T.) in the George Akers Survey, A-30, City of Richland Hills, Tarrant County, Texas and more particularly described by metes and bounds as follows: (All bearings shown hereon are based on the Texas Coordinate System of 1983, North Central Zone)

BEGINNING at a 5/8" iron rod found for the northwest corner of the herein described tract, at the intersection of the south right-of-way line of Laxon Drive (a 50' right-of-way) and the east right-of-way line of Mary Boaz Street (a 50' right-of-way);

THENCE South 89° 50' 44" East - 150.00' along the north line of the herein described tract, common to the south right-of-way line of said Laxon Drive, to a 1/2" iron rod found for the northeast corner of the herein described tract, common to the northwest corner of Lot 2, of said Block 16, Richland Hills South, Section 3, from which a 1/2" iron rod found at the north east corner of Lot 3, of said Block 16, Richland Hills South, Section 3, at the intersection of the south right-of-way line of said Laxon Drive, and the west right-of-way line of Foyle Drive (a 50' right-of-way) bears South 89° 50' 44" East - 205.00';

THENCE South 02° 56' 51" East - 153.70' along the east line of the herein described tract, common to the west line of said Lot 2, Block 16, to the southeast corner of the herein described tract, common to the southwest corner of said Lot 2, Block 16, common to an angle corner of Lot 5, Block 16, of said Richland Hills South, Section 3, and from which point a fence corner bears North 45° 38' West - 0.95';

THENCE South 52° 21' 20" West - 108.80' along the south line of the herein described tract, common to the north line of said Lot 5, Block 16, to a 1/2" iron rod with a cap stamped "MOAK" found for the southwest corner of the herein described tract, common to the most westerly northwest corner of said Lot 3, Block 16, and in the east right-of-way line of said Mary Boaz Street;

THENCE North 18° 02' 13" West along east right-of-way line of said Mary Boaz Street, passing at a distance of 114.86' a 1/2" iron rod, continuing for a total distance of 231.74' to the POINT OF BEGINNING and containing 0.5369 of an acre (23,386 square feet) of land and designated herein as the subdivision to the city, and whose name is subscribed hereto, hereby dedicates to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That **LAWRENCE LAYNE LUDWIG**, the Owner, does hereby adopt this plat designating the herein above described property as **LOT 1R, BLOCK 16, RICHLAND HILLS SOUTH, SECTION 3**, recorded in Volume 388-7, Page 59, in the Plat Records of Tarrant County, Texas (P.R.T.C.T.) in the George Akers Survey, A-30, City of Richland Hills, Tarrant County, Texas and more particularly described by metes and bounds as follows: (All bearings shown hereon are based on the Texas Coordinate System of 1983, North Central Zone)

BEGINNING at a 5/8" iron rod found for the northwest corner of the herein described tract, at the intersection of the south right-of-way line of Laxon Drive (a 50' right-of-way) and the east right-of-way line of Mary Boaz Street (a 50' right-of-way);

THENCE South 89° 50' 44" East - 150.00' along the north line of the herein described tract, common to the south right-of-way line of said Laxon Drive, to a 1/2" iron rod found for the northeast corner of the herein described tract, common to the northwest corner of Lot 2, of said Block 16, Richland Hills South, Section 3, from which a 1/2" iron rod found at the north east corner of Lot 3, of said Block 16, Richland Hills South, Section 3, at the intersection of the south right-of-way line of said Laxon Drive, and the west right-of-way line of Foyle Drive (a 50' right-of-way) bears South 89° 50' 44" East - 205.00';

THENCE South 02° 56' 51" East - 153.70' along the east line of the herein described tract, common to the west line of said Lot 2, Block 16, to the southeast corner of the herein described tract, common to the southwest corner of said Lot 2, Block 16, common to an angle corner of Lot 5, Block 16, of said Richland Hills South, Section 3, and from which point a fence corner bears North 45° 38' West - 0.95';

THENCE South 52° 21' 20" West - 108.80' along the south line of the herein described tract, common to the north line of said Lot 5, Block 16, to a 1/2" iron rod with a cap stamped "MOAK" found for the southwest corner of the herein described tract, common to the most westerly northwest corner of said Lot 3, Block 16, and in the east right-of-way line of said Mary Boaz Street;

THENCE North 18° 02' 13" West along east right-of-way line of said Mary Boaz Street, passing at a distance of 114.86' a 1/2" iron rod, continuing for a total distance of 231.74' to the POINT OF BEGINNING and containing 0.5369 of an acre (23,386 square feet) of land and designated herein as the subdivision to the city, and whose name is subscribed hereto, hereby dedicates to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

Witness our hands at Tarrant County, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2024.

LAWRENCE LAYNE LUDWIG

**NOTARY CERTIFICATE**  
STATE OF TEXAS  
COUNTY OF TARRANT

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared **LAWRENCE LAYNE LUDWIG**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations expressed herein.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Signature \_\_\_\_\_ Notary Stamp: \_\_\_\_\_

**SURVEYOR CERTIFICATE**

That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision and in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Richland Hills, Texas.

**This document shall not be recorded for  
any purpose. This drawing shall be used for  
REVIEW PURPOSES ONLY**

David Carlton Lewis, R.P.L.S.  
Spry Surveyors, LLC  
8241 Mid Cities Blvd Ste 102  
North Richland Hills, TX 76182  
Texas Registration No. 5647  
R.P.L.S. No. 5647  
Date March 28, 2024



**Certificate of Approval of the Planning and Zoning Commission**

This plat has been submitted to and considered by the PLANNING AND ZONING COMMISSION of the City of Richland Hills, and is hereby approved by such Commission.

This \_\_\_\_ day of \_\_\_\_\_, 2024, to approve this Plat.

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

Attest: \_\_\_\_\_ Secretary

**Statement of Adoption by Council**

The City Council of Richland Hills, Texas on this \_\_\_\_ day of \_\_\_\_\_, 2024, voted affirmatively to adopt this plat and approve it for filing of record.

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

Attest: \_\_\_\_\_ City Secretary

**SURVEYOR:**

Spry Surveyors, LLC  
8241 Mid-Cities Blvd., Ste 102  
North Richland Hills, TX 76182  
Phone: 817-776-4049  
Firm Reg. No. 10112000  
Project No. 023-213-30

**OWNER:**

Lawrence Layne Ludwig  
6500 Laxon Drive  
Richland Hills, TX 76118

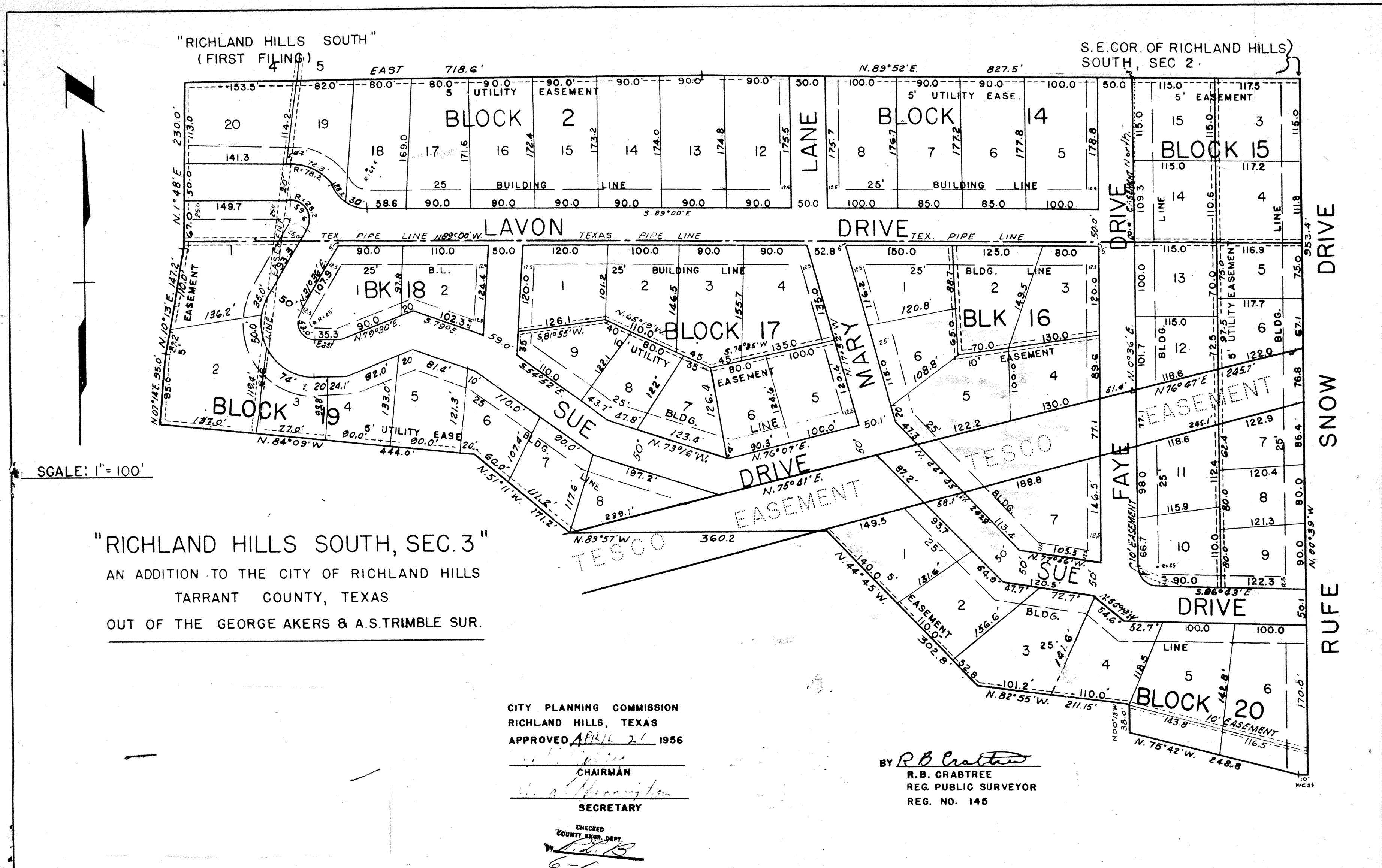
**A FINAL PLAT OF  
LOTS 1R, BLOCK 16  
RICHLAND HILLS  
SOUTH, SECTION 3**

AN ADDITION TO THE CITY OF RICHLAND HILLS, WHICH  
IS A REPLAT OF LOTS 1 & 6, BLOCK 16,  
RICHLAND HILLS SOUTH, SECTION 3  
0.5369 OF AN ACRE  
IN THE GEORGE AKERS SURVEY, A - 30  
CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS

DATE: MARCH 2024  
CASE NUMBER: 2024-0004

59

# PLAT RECORD VOLUME 388-7



59

# Memorandum

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

From: Candice Edmondson, City Manager

Date: May 13, 2024

Subject: Interlocal Cooperative Purchasing Agreement

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## **Agenda Item:**

Approve Interlocal Cooperative Purchasing Agreement between the City of Southlake and City of Richland Hills

## **Background Information:**

Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize local governments to contract with one another to perform governmental functions including the purchase of equipment, supplies and services. Interlocal Cooperative Agreements increase the efficiency and effectiveness of local governments by allowing them to share contracted goods and services and expedite the purchasing process.

The purpose of this agreement is to allow the City of Richland Hills and the City of Southlake to share in the purchase of goods and services commonly utilized by each entity. The cities may also participate in and purchase goods and services from vendors under each other's present and future purchasing arrangements, bids, proposals and contracts. The agreement becomes effective upon the approval of both entities and shall be in full force and effect until terminated by either party.

The City of Richland Hills has previously entered into Interlocal Cooperative Agreements with the City of Grand Prairie and Tarrant County.

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

**Attachments:**

Interlocal Agreement

**Council Action Requested:**

Motion to approve Interlocal Cooperative Purchasing Agreement between the City of Southlake and City of Richland Hills

## INTERLOCAL AGREEMENT

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the CITY OF SOUTHLAKE (hereinafter called "SOUTHLAKE") and the CITY OF RICHLAND HILLS, TEXAS (hereinafter called "RICHLAND HILLS") each acting by and through its duly authorized officials:

WHEREAS, SOUTHLAKE and RICHLAND HILLS are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, SOUTHLAKE and RICHLAND HILLS wish to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which SOUTHLAKE and RICHLAND HILLS may purchase various goods and services commonly utilized by each entity;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of SOUTHLAKE and RICHLAND HILLS through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, SOUTHLAKE and RICHLAND HILLS have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; SOUTHLAKE and RICHLAND HILLS agree as follows:

1. SOUTHLAKE and RICHLAND HILLS may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may participate in and purchase goods and services from vendors under each other's present and future purchasing arrangements, bids, proposals and contracts;
2. SOUTHLAKE and RICHLAND HILLS shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. SOUTHLAKE and RICHLAND HILLS shall each make their respective payments from current revenues available to the paying party;
3. The Agreement shall be in full force and effect until terminated by either party;
4. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating entity(ies);
5. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto;
6. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

EXECUTED hereto on the day and year first above written.

CITY OF SOUTHLAKE

CITY OF RICHLAND HILLS

\_\_\_\_\_  
Alison Ortowski, City Manager

\_\_\_\_\_  
Candice Edmondson, City Manager

ATTEST:

\_\_\_\_\_  
Amy Shelley, TRMC  
City Secretary

\_\_\_\_\_  
Lindsay Rawlinson, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Attorney

**STATE OF TEXAS                      §**

**COUNTY OF TARRANT              §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Alison Ortowski, City Manager of the **CITY OF SOUTHLAKE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

**STATE OF TEXAS                      §**

**COUNTY OF TARRANT              §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 by Candice Edmondson, City Manager of the **CITY OF RICHLAND HILLS, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

# Memorandum

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

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

Date: May 13, 2024

Subject: Emergency Sewer Repairs - Oak Park Drive and Willow Park Street

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## **Agenda Item:**

Approve emergency repairs to the sewer main at Oak Park Drive and Willow Park Street by Excel 4 Construction in the amount of \$87,965 utilizing the approved unit price contract for drainage, water and sanitary sewer repair

## **Background Information:**

In March of 2024, the Public Works Department received several alerts of sewer backups in the area of Oak Park Drive and Willow Park Street. This area has been known to have sewer issues in the past. Inspection by Public Works staff concluded that limited flow due to ground settling (causing limited fall or elevation decline) was causing the backups. A manhole had also become unaligned limiting flow. This resulted in the need for an emergency repair to both align the manhole and provide unrestricted flow for sewer water.

Excel 4 Construction completed the sewer main repair utilizing the unit price contract for drainage, water and sanitary sewer repairs. Emergency repairs are allowed by the Texas Government Code (Article 2368A, Section B) and the City's purchasing policy.

## **Financial Considerations:**

The emergency sewer repair was completed at a cost of \$87,965. Funding was available in the FY 2024 Utility Fund Budget for sewer system maintenance.

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

Excel 4 Construction Invoice

**Council Action Requested:**

Motion to approve emergency repairs to the sewer main at Oak Park Drive and Willow Park Street by Excel 4 Construction in the amount of \$87,965 utilizing the approved unit price contract for drainage, water and sanitary sewer repair

# EXCEL 4 CONSTRUCTION, L.L.C.

P.O. Box 4739, Fort Worth, Texas 76164

Billing Date 4/1/2024

## INVOICE

Bill to: City of Richland Hills  
3200 Diana Dr  
Richland Hills, TX 76116

Project Emergency Repair on Oak Park Dr  
Richland Hills, Texas

Project No. 562  
Period March ' 24  
Estimate No. 1

| Item No.                 | Description                                  | Unit | Unit Price   | Estimated Quantity | Estimated Total | Quantity this Month | Total this Month | Job Total Quantity | Job Total   |
|--------------------------|----------------------------------------------|------|--------------|--------------------|-----------------|---------------------|------------------|--------------------|-------------|
| 1                        | 8" SDR35 PVC Sanitary Sewer Main by Open Cut | LF   | \$ 112.00    | 240.00             | \$26,880.00     | 204.00              | \$22,848.00      | 204.00             | \$22,848.00 |
| 2                        | 4' Diameter Sanitary Sewer Manhole           | EA   | \$ 12,000.00 | 2.00               | \$24,000.00     | 2.00                | \$24,000.00      | 2.00               | \$24,000.00 |
| 3                        | Remove & Replace Asphalt Pavement            | SF   | \$ 13.00     | 960.00             | \$12,480.00     | 970.00              | \$12,610.00      | 970.00             | \$12,610.00 |
| 4                        | 4" Sanitary Sewer Connection w/ Cleanout     | EA   | \$ 1,500.00  | 4.00               | \$6,000.00      | 3.00                | \$4,500.00       | 3.00               | \$4,500.00  |
| 5                        | 4" Sanitary Sewer Service PVC Line           | LF   | \$ 45.00     | 130.00             | \$5,850.00      | 123.00              | \$5,535.00       | 123.00             | \$5,535.00  |
| 6                        | Remove & Replace Concrete Sidewalk           | SF   | \$ 320.00    | 4.00               | \$1,280.00      | 42.10               | \$13,472.00      | 42.10              | \$13,472.00 |
| 7                        | 6" Main Line Cleanout                        | EA   | \$ 800.00    | 1.00               | \$800.00        | 1.00                | \$800.00         | 1.00               | \$800.00    |
| 8                        | Plug existing 6" SS on Existing Manhole      | EA   | \$ 550.00    | 1.00               | \$550.00        | 1.00                | \$550.00         | 1.00               | \$550.00    |
| 9                        | Bermuda Grass                                | SY   | \$ 11.00     | 100.00             | \$1,100.00      | 50.00               | \$550.00         | 50.00              | \$550.00    |
| 10                       | Traffic Control                              | LS   | \$ 3,100.00  | 1.00               | \$3,100.00      | 1.00                | \$3,100.00       | 1.00               | \$3,100.00  |
| Estimated Contract Price |                                              |      |              |                    | 82,040.00       | This month          | \$87,965.00      | Job Total          | \$87,965.00 |
|                          |                                              |      |              |                    |                 |                     |                  | Retainage          |             |
|                          |                                              |      |              |                    |                 | Retainage           | \$0.00           | 0.00%              | \$0.00      |
|                          |                                              |      |              |                    |                 | Total This Month    | \$87,965.00      | Subtotal           | \$87,965.00 |
|                          |                                              |      |              |                    |                 |                     |                  | Deductions         |             |
|                          |                                              |      |              |                    |                 |                     |                  | Previous Billings  | \$0.00      |
|                          |                                              |      |              |                    |                 |                     |                  | Total Amount Due   | \$87,965.00 |

# Memorandum

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

From: Terry Leake, Interim Finance Director

Date: May 13, 2024

Subject: FY 2024 Budget Amendments - General Fund and ARPA Fund

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## **Agenda Item:**

Approve Ordinance 1501-24 approving and adopting an amended budget for Fiscal Year 2024 authorizing an expenditure of \$10,000 to Serving our Seniors and \$74,355 to Atmos Energy

## **Background Information:**

### Serving Our Seniors Funding Request:

On April 8, 2024, the City Council approved agenda item 6A Serving Our Seniors (SOS) Funding Request. As noted on the agenda briefing, SOS made a “Special Ask” of \$10,000 from each of the cities it provides services in to improve the organization’s service and efficiency with an upgraded database system and to eliminate some fixed building costs. As this expenditure was not included in the adopted FY 2024 General Fund budget, a budget amendment is needed. The proposed budget amendment will be to increase line item 001-56033-00-00 (Miscellaneous Expenses – Non Dept) from \$50,000 to \$60,000 and increase the total General Fund budget from \$10,281,682 to \$10,291,682. As noted on the April 8, 2024 agenda briefing, funding is available to cover the \$10,000 expense as sales tax collections in the General Fund are up 17% year to date over the prior year and the FY 2024 Budget included a conservative sales tax increase of 3.5%.

### Atmos Gas Line Relocation:

On April 22, 2024, the City Council approved agenda item 5B Atmos Gas Line Relocation. As noted on the agenda briefing, Atmos Energy 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. 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. The approved cost of the gas line relocation is not to exceed \$74,355. As this expenditure was not included in the adopted FY 2024 American Rescue Plan Act (ARPA) Fund budget, a budget amendment is needed. The proposed budget amendment will be to increase line item 101-56118-88-88-W2201 (Construction Water System Improvements – Backup Power Generation) from \$1,448,404 to \$1,522,759 and increase the total ARPA Fund budget from \$1,628,404 to \$1,702,759. Funding is

available from interest earned during FY 2023 and FY 2024 on original American Rescue Plan Act (ARPA) funds received in August 2022 and August 2023.

**Financial Considerations:**

There is adequate funding for the proposed FY 2024 Budget amendments to the General Fund (Fund 001) and ARPA Fund (Fund 101).

**Legal Review:**

N/A

**Board/Citizen Input:**

N/A

**Attachments:**

Ordinance No. 1501-24

**Council Action Requested:**

Motion to approve Ordinance No. 1501-24 approving and adopting an amended budget for Fiscal Year 2024 by increasing the General Fund budget from \$10,281,682 to \$10,291,682 and the ARPA Fund budget from \$1,682,404 to \$1,702,759 to fund authorized expenditures of \$10,000 to Serving our Seniors and \$74,355 to Atmos Energy

**ORDINANCE NO. 1501-24**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, APPROVING AND ADOPTING AN AMENDED BUDGET FOR THE GENERAL FUND AND AMERICAN RESCUE PLAN ACT FUND FOR FISCAL YEAR OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024, PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council, after notice and a public hearing, adopted the budget for the fiscal year of October 1, 2023 to September 30, 2024; and

**WHEREAS**, the City Council, in accordance with Section 102.010, Texas Local Government Code, desires to make certain changes in the budget for unanticipated municipal projects and purposes; and

**WHEREAS**, the City Council finds that the proposed amendments for the General Fund budget and American Rescue Plan Act (ARPA) Fund budget are in the best interest of the municipal taxpayers.

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

**SECTION 1.**

The General Fund budget and American Rescue Plan Act (ARPA) Fund budget, as amended and approved by the City Council, which is attached to this ordinance as **Exhibit A**, and made a part thereof for all purposes, is hereby adopted and approved by the City Council. All aspects of the budget for the fiscal period beginning October 1, 2023 and ending September 30, 2024 not amended pursuant to this Ordinance are hereby ratified.

**SECTION 2.**

This Ordinance shall be in full force and effect from and after its adoption.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on May 13, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

**ATTEST:**

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The Honorable Mayor Edward Lopez

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Lindsay Rawlinson, City Secretary

## **EXHIBIT A**

### **General Fund (Fund 001)**

#### Expenditures – General Fund

- Increase line item 001-56033-00-00 (Miscellaneous Expenses – Non Dept) of \$50,000 by \$10,000 for an amended total of \$60,000 to fund the Serving Our Seniors (SOS) Special Ask request to upgrade the organization's database system and eliminate some fixed building costs.

The total FY 2024 General Fund expenditure budget of \$10,281,682 will increase by \$10,000 for an amended expenditure budget total of \$10,291,682.

### **American Rescue Plan Act (ARPA) Fund (101)**

#### Expenditures – American Rescue Plan Act (ARPA) Fund

- Increase line item 101-56118-88-88-W2201 (Construction Water System Improvements – Backup Power Generation) of \$1,448,404 by \$74,355 for an amended total of \$1,522,759 for the Atmos gas line relocation related to installation of an auxiliary power generator at the Rena Water Tank.

The total FY 2024 American Rescue Plan Act (ARPA) Fund expenditure budget of \$1,628,404 will increase by \$74,355 for an amended expenditure budget total of \$1,702,759.

# Memorandum

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

From: JP Ducay, Director of Planning and Development Services

Date: May 13, 2024

Subject: 7148 Dover Lane – Guesthouse SUP

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## Agenda Item:

Consider Ordinance 1498-24 a Specific Use Permit (2024-0217) to permit a Guesthouse for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118. **Public Hearing**

## Background Information:

On March 25, 2024, an application was submitted by Jonathan Mercer (owner) requesting a SUP, Specific Use Permit, allowing for the use of “Guest House” in the SF-E, Single-Family Residential Estate Zoning District for 7148 Dover Lane. The subject property is approximately 2.6 acres and contains a 3,888 square-foot primary residence.

The applicant is proposing to construct a guest house with the intent to move his family onto his property to provide care for them. Definitive building plans for the proposed guest house have not been prepared due to cost and the applicants uncertainty of approval. However, the applicant has established that the proposed guest house will be approximately 4,000 square-feet in total. This will comprise of 2,000 square-feet of living space and 2,000 square-feet of garage space. The living space will contain three bedrooms, two bathrooms, a full kitchen and laundry room. According to the applicant, they will need at least two bedrooms to accommodate family members and a caregiver. Two bathrooms have been proposed to allow for a personal bathroom for family members and spare to accommodate guests. The full kitchen facility is proposed to allow for the preparation of food for family members within the confines of the guest house. According to the applicant, the garage will be utilized to house an RV and classic cars.

Staff has reviewed this application in correspondence to the City’s guest house Ordinance, 3.02.01 Section A, Subsection 19 (attached). The applicant was made aware that the proposed guest house was not in conformance with all standards. In lieu of bringing the guest house into conformance, the applicant is requesting three special terms and conditions in association with the SUP request.

## **Request:**

Allow for the subject guest house to comply with all requirements listed in Section 3.02.01 (A)(19) of the City's Comprehensive Zoning Ordinance with the exception of:

1. **(19.c.1)** Guest house shall not exceed 40 percent of the livable floor area of the main structure.
  - The subject guest house exceeds the livable floor area of the main structure by approximately 152 percent. (Primary residence has a livable floor area of 2,638sf per TAD)
2. **(19.c.2)** Guest house shall not contain more than one bathroom facility.
  - The subject guest house is proposing two-bathroom facilities.
3. **(19.c.3)** Guest house shall not contain a kitchen, including a range, stove or cooktop.
  - The subject guest house is proposing a full kitchen including a stove and cooktop.

## **Planning Analysis:**

The City's 2014 Comprehensive Plan designates the subject area as Low Density Residential. This category refers to smaller single-family homes and some duplex units. This density is similar to the current development in the majority of Richland Hills. Approximately two to six dwelling units per acre are appropriate for this category.

The subject property is approximately 2.6 acres and contains a 3,888 square-foot primary residence. The applicant is requesting a SUP for the use of guest house with three special terms and conditions. If approved, the subject property will contain a primary residence with a 4,000 square-foot guest house and garage. If denied, the applicant will likely pursue an alternative approach. Subdividing the property to construct a primary single-family home on its own lot was discussed, however, the applicant does not want to split the property. If a flag lot is proposed, an exception would need to be granted by Council. Exceptions may only be granted if Council determines all the criteria listed in the ordinance Section 74-217 are met. Subdividing the property into two separate lots in conformance with the zoning ordinance may also be possible to do under a different configuration than what the metes and bounds tracks are now.

City staff has worked with the applicant to prepare some alternative options if the subject request is denied.

## **Financial Considerations:**

There are not any financial considerations for the SUP.

**Board/Citizen Input:**

April 23, 2024: The Planning and Zoning Commission recommended denial by a vote of 5-0.

**Attachments:**

Application  
Property Photos  
Concepts  
Draft Ordinance  
3.02.01- (19) Guesthouse Standards

**Suggested Motion:**

Motion to deny Ordinance 1498-24 a Specific Use Permit (2024-0217) to permit a Guesthouse for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118.

## Property Photos 7148 Dover Lane



The intent of this building is to move my parents onto our property to provide care for them. The rough rendering I provided is just a conceptual idea. We have not hired a design architect yet due to the cost and not knowing if the city will allow this to be built. Here is a list of items that might help clarify the project.

- Size of living space to be less than 2000 sqft. In the proposed house.
- Garage will house an RV and classic cars. Unsure of total feet at this time. 2000 ish Sqft. Is the current idea
- Current house is 3888 sqft
- Property size is 3 acres.
- Current house sits on 1 acre
- This house will sit on roughly 2 acres
- Kitchen needed to provide food for family members
- We need at least two bedrooms one for resident and one for caregiver. We prefer this property to have a 3rd bedroom.
- Bathroom for resident and one spare. But would like to have a 3rd.
- Property will go through re-plat to be one property.
- We still maintain the property would meet all requirements of the SFE zoning requirements based on land and access.



## Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118

817-616-3800 | richlandhills.com

### Zoning Application

#### Application Type

- ☒ Specific Use Permit (Fee: \$300.00) ☐ Planned Development (Fee: \$300.00)  
☐ Zoning Text Amendment (Fee: \$300.00) ☐ Zoning Map Amendment (Fee: \$300.00)

#### Applicant Information

Applicant's Name: Jonathon Mercer

Business Name: W/A

Phone: 817-343-5795 Email Address: ja.mercer94@gmail.com

#### Property Information

Property Address: 7148 Dover Ln

Square Feet: 3888 Deed Date: 2001

Building Owner: \_\_\_\_\_

Company: N/A

Phone: \_\_\_\_\_

Owner Address: Same

Owner Phone Number: Same

Owner Email Address: Same

Previous Occupant: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

#### Zoning Request

Please provide a detailed description of your request: We are requesting to build a barndominium on our 3ac lot. This building will be 3 bedroom, 3 bath w/ kitchen and living room. It will include Garage/shop to house RV and vehicles. The intent is to provide living space for aging parents

Signature

see Attached

I certify that my answers are true and complete to the best of my knowledge, and I understand that false or misleading information in my application may result in zoning violations.

Signature: [Signature] Date: 3/25/24

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# Special Use Permit

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3/25/2024

7148 Dover Ln

Richland Hills Tx 76118

Dear Recipient:

I am seeking a SUP to build a barndominium on my property. The intent of this building is to bring my aging parents to our property and provide much needed care by family members. This building will have roughly 3 bed/3 baths with garage/shop to house RV and other vehicles. It is our family's belief that no one goes to a nursing home. This building will prevent this from occurring.

Sincerely,

Jonathan & Amy Mercer

817-343-5995



86'-0"

3A - 7148 Dover Lane SUP

Page 9 of 15

10'-0"

34'-0"

42'-0"

60'-0"

50'-0"

SEAT

M. BATH  
9'-1 1/8" W.H.

LAEN  
CABINET

M. BED  
9'-1 1/8" W.H.  
19'-1" x 14'-9"

BED #2  
9'-1 1/8" W.H.  
13'-8" x 11'-0"

WIC  
14'-10" x 6'-6"

UP

CLO

BED #3  
9'-1 1/8" W.H.  
13'-8" x 11'-1"

LAUNDRY  
9'-1 1/8" W.H.  
14'-10" x 6'-6"

BATH

PAN

COFFEE BAR

DINING  
CATHEDRAL CLG  
11'-0" W.H.  
16'-6" x 10'-0"

GREAT RM  
CATHEDRAL CEILING  
11'-0" W.H.  
16'-6" x 25'-0"

KITCHEN  
11'-0" W.H.  
16'-6" x 12'-0"

REF

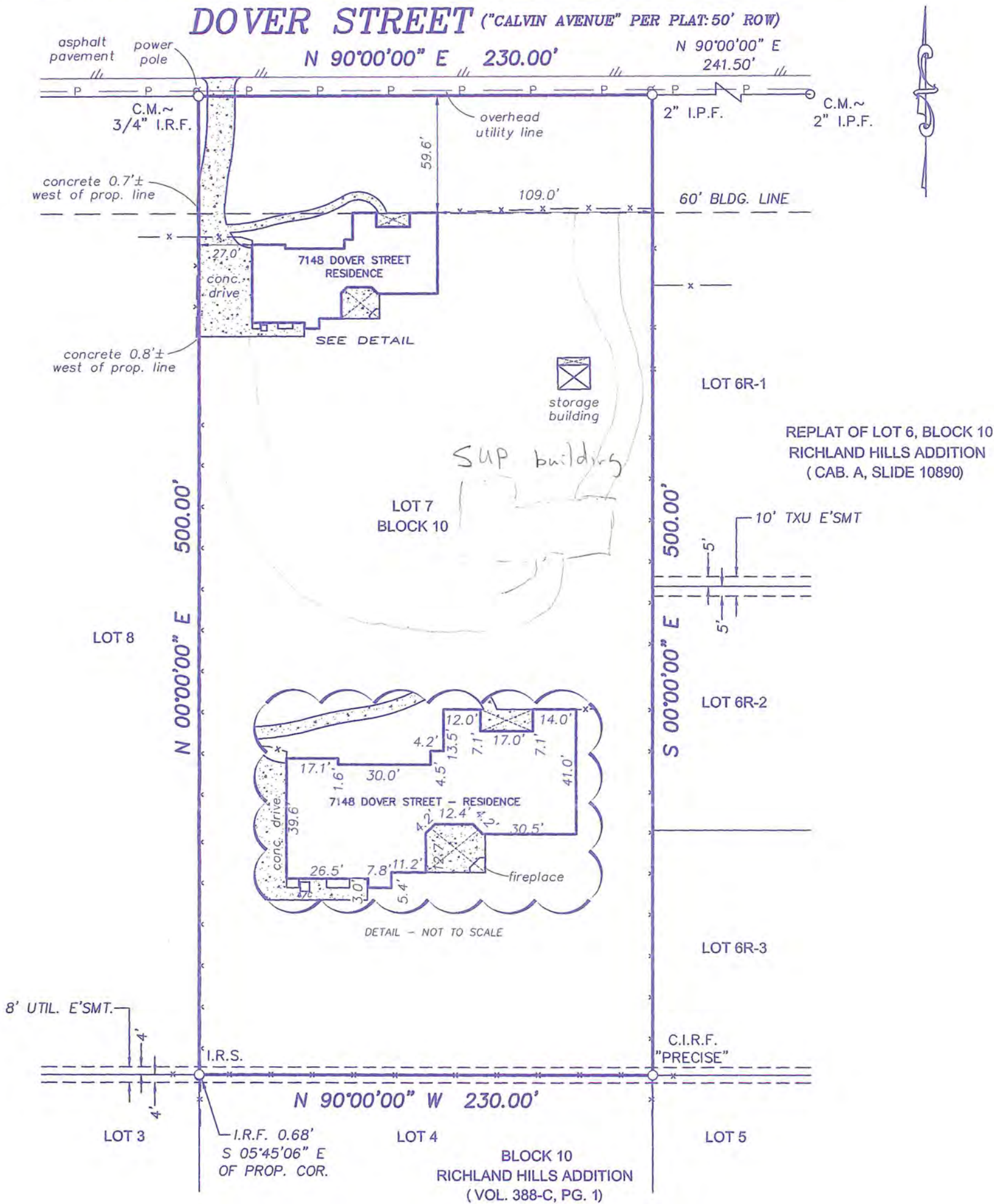
DW

COVERED  
PORCH  
CATHEDRAL CEILING

SHOP  
16'-0" WALL HT.  
41'-6" x 49'-1"

SURVEY PLAT  
7148 DOVER STREET

**DESCRIPTION:** Lot 7, Block 10 of Richland Hills Addition, an addition to the City of Richland Hills, Tarrant County, Texas, according to the Plat thereof recorded in VOLUME 388-D, Page 149, Plat Records, Tarrant County, Texas.



**CERTIFICATION:** The undersigned does hereby certify to FIDELITY NATIONAL TITLE-G.F. No. FT2MJ56-95609001952, that this survey was this day made on the ground of the property legally described hereon and is correct and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded Map or Plat.

**FLOOD NOTE:** It is my opinion that the property described hereon IS NOT within the 100-Year Flood Zone Area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community--Panel No. 480608 0303 H, present effective date of map AUG. 2, 1995, herein property situated within Zone X (UNSHADED).

C.M. = CONTROLLING MONUMENT; I.R.F. = IRON ROD FOUND; I.P.F. = IRON PIPE FOUND; F.C.P. = FENCE CORNER POST; I.R.S. = IRON ROD SET-1/2" WITH YELLOW CAP STAMPED "ARTHUR SURVEYING COMPANY". ALL IRON RODS FOUND ARE 1/2" UNLESS OTHERWISE NOTED.

DATE: OCTOBER 22, 2009 SCALE: 1" = 60' ASC NO: 291095 DRAWN BY: SWM CHECKED BY:



Arthur Surveying Co., Inc.  
Professional Land Surveyors

220 Elm Street - Lewisville, Texas 75057  
Office: (972) 221-9439 Fax: (972) 221-4675  
Established 1986



**ORDINANCE NO. 1498-24**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY GRANTING A SPECIFIC USE PERMIT PERMITTING A GUEST HOUSE ON CERTAIN PROPERTY LOCATED AT 7148 DOVER LANE, RICHLAND HILLS, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance, codified as Chapter 90 of the Richland Hills Code, and a comprehensive zoning map, regulating the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS**, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a specific use permit for a Guest House in the SF-E Single-Family Estate (SF-E) Zoning District; and

**WHEREAS**, a public hearing was duly held by the Planning and Zoning Commission of the City on April 23, 2024, and by the City Council of the City on May 13, 2024, with respect to the use changes described herein; and

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

**WHEREAS**, the City Council of the City does hereby deem it advisable and in the public interest to grant such permit on the terms and conditions described herein.

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

**SECTION 1.  
SPECIAL USE PERMIT GRANTED**

Chapter 90, "Zoning," of the Richland Hills Code, as amended, is hereby amended so that a specific use permit is granted as shown and described below:

Applicant: Jonathan Mercer

Property Owner: Jonathan and Amy Mercer

Property Address: 7148 Dover Lane, Richland Hills, Texas 76118

Legal Description: Lot 7, Block 10, Richland Hills Addition, an addition to the City of Richland Hills, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-D, Page 149, Plat Records, Tarrant County, Texas.

Zoning Change: The property shall remain located in the SF-E Single-Family Estate (SF-E) Zoning District, and a Specific Use Permit for a Guest House is hereby granted subject to the terms and conditions provided herein.

**SECTION 2.  
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

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

**SECTION 3.  
ZONING ORDINANCE AND SPECIAL TERMS AND CONDITIONS APPLICABLE**

The use of the property described herein shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable

and pertinent ordinances of the City for the zoning district into which they have been assigned with the exception of:

**1. Article 3, Section 3.02.01 Conditional Development Standards (A.19.c.1)**

**Requirement:** Not exceed 40 percent of the livable floor area of the main structure.

**Special Condition:** The subject guest house is permitted to exceed the livable floor area of the main structure by a maximum of 152 percent.

**2. Article 3, Section 3.02.01 Conditional Development Standards (A.19.c.2)**

**Requirement:** Not contain more than one bathroom facility.

**Special Condition:** The subject guest house is permitted to contain a maximum of two bathroom facilities.

**3. Article 3, Section 3.02.01 Conditional Development Standards (A.19.c.3)**

**Requirement:** Not contain a kitchen, including a range, stove or cooktop.

**Special Condition:** The subject guest house is permitted to contain a full kitchen including a stove and cooktop.

**SECTION 4.  
ORDINANCE CUMULATIVE**

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

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

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

**SECTION 6.  
SEVERABILITY CLAUSE**

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 7. PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-14 of the Richland Hills Code. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

#### **SECTION 8. PUBLICATION CLAUSE**

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

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on May 13, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

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

**ATTEST:**

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

**Guest house.**

In addition to any requirements or regulations outlined within the specific use permit, guest houses shall be subject to the following development standards:

- (a) Only one guest house shall be allowed on a single parcel of record.
- (b) The guest house, along with the main dwelling, may not exceed the allowable site coverage for the zoning district.
- (c) The guest house shall:
  - 1. Not exceed 40 percent of the livable floor area of the main structure.
  - 2. Not contain more than one bathroom facility.
  - 3. Not contain a kitchen, including a range, stove or cooktop.
  - 4. Be designed to ensure visual harmony, consistency, and compatibility with the main dwelling on the site and with other residential structures in the area, and meet all applicable masonry requirements.
  - 5. Meet the setback requirements for accessory structures as stated in section 4.02.01 Residential Accessory Structures.
  - 6. Not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.
  - 7. Not be sold separately from sale of the entire property, including the main structure, and the property shall not be replatted in a manner that would allow the accessory structure to become a main structure.
  - 8. Register and receive annual inspections as outlined:
    - A. Each guest house shall be registered annually. If there is any change in occupancy of the structure longer than three weeks, registration shall be updated at that time.
    - B. Inspections shall be required annually. It shall be the responsibility of the property owner to request and schedule an inspection at the time of annual registration.
    - C. The fees for registration and required annual inspection for each guest house are as shown in the city's fee schedule.

# Memorandum

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

From: Candice Edmondson, City Manager

Date: May 13, 2024

Subject: Adoption of 2024 Standards of Care

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## Agenda Item:

Consider Ordinance 1499-24 adopting the 2024 Standards of Care for youth programs provided by The Link Event and Recreation Center **PUBLIC HEARING**

## Background Information:

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

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

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

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

- Minimum requirements for staffing ratios
- Staff qualifications and essential job functions
- Facility, health and safety standards
- Training and procedures for reporting child abuse/neglect allegations
- Written procedures stating that parents and each staff member will be offered access to the set of standards
- Contact information of program supervisors for the purpose of issuing a formal complaint and/or resolution regarding any program governed by the Standards of Care

- Written procedures for staff who will be monitoring the programs and enforcing the standards
- Requirement of criminal background checks on prospective day camp employees
- Service standards for communicating with parents and performance expectations of day camp employees
- Behavior management and discipline procedures
- General rules and regulations

The application for exemption determination and the formal adoption of the Standards of Care is an annual requirement, so that the Standards of Care can be revised as needed to reflect current regulations. For 2024, staff amended some of the previous language that spoke to the currently unused “Bird’s Nest” drop-in childcare. Additionally, references to the Recreation Manager was changed to The Link Manager.

There were no policies that were changed, amended or updated.

**Financial Considerations:**

Approval of the 2024 Standards of Care will require no additional funding.

**Legal Review:**

The City Attorney has previously reviewed the Standards of Care.

**Board/Citizen Input:**

N/A

**Attachments:**

Ordinance 1499-24

**Council Action Requested:**

Motion to approve Ordinance 1499-24 adopting the 2024 Standards of Care for youth programs provided by The Link Event & Recreation Center

**ORDINANCE NO. 1499-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ADOPTING THE 2024 STANDARDS OF CARE FOR YOUTH PROGRAMS PROVIDED AT THE LINK EVENT AND RECREATION CENTER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, on May 13, 2024, the City properly posted and conducted a public hearing to receive public input on the adoption of the 2024 Standards of Care; and

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

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

**SECTION 1.**

The Standards of Care attached hereto as **Exhibit A** and incorporated herein for all purposes are hereby adopted as the Standards of Care for The Link as well as all after-school programs operated by The Link during the Birdville Independent School District (BISD), International Leadership of Texas (ILT), and IDEA Public School (IDEA) calendars. Parents of each program participant shall be provided with a copy of the Standards of Care and be informed that the program is not licensed by the state. The City may not advertise The Link as a childcare facility.

## **SECTION 2. 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 this 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**

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

## **SECTION 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. PUBLICATION CLAUSE**

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

## **SECTION 6. 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 May 13, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

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

**ATTEST:**

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

## EXHIBIT A

# Standards of Care

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

### **I. General Information / Administration**

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

#### **A. Organization:**

- 1) The governing body of The Link is the Richland Hills' City Council.
- 2) Implementation of the Standards of Care (SOC) is the responsibility of the The Link Manager and staff.
- 3) The SOC will apply to several day camp programs which are conducted throughout the year by The Link. The SOC will also apply to the After-School programs that The Link will operate during the Birdville Independent School District (BISD), International Leadership of Texas (ILT), and IDEA Public School (IDEA) calendars.
- 4) The SOC will apply at all locations where The Link hosts a childcare program, including city facilities, fulltime off-site facilities, and while on field trips.
- 5) The Link will have available, for public and staff, a current copy of the SOC upon request.

#### **B. Implementation:**

The Link Manager, Recreation & Childcare Coordinator, and Summer Camp Director will be responsible for implementing the SOC for all childcare programs run by The Link.

#### **C. Day Camp Objectives:**

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

#### **D. Exemption Status:**

Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed childcare and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegations, to the local police authorities.

E. Standards of Care Review:

Standards will be reviewed annually and brought before the City Council for approval after a public hearing is held to pass an ordinance regarding section 42.041 (b) (14) of the Texas Human Resources Code. Childcare Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

Any parent, visitor or staff may register a complaint by contacting The Link Manager at (817) 616-3738 or at The Link during program hours.

## II. Staffing

A) Link Manager – The Link Manager directs the children’s program staff and assists with the planning and execution of the activities of participants in the childcare programs.

1) Essential Job Functions:

- a) Direct and supervise all Coordinators, Directors and Counselors including hiring and mandatory training.
- b) Develop and train staff with an age-appropriate camp curriculum (elementary ages) in accordance with the philosophy of the program.
- c) Ensure staff is committed to following established guidelines, procedures and standards.
- d) Oversees facility reservations and transportation needs for all camp activities.
- e) Oversees scheduling, confirming, and distributing payments for all field trips.
- f) Maintain supplies, equipment, and all necessary documentation for the operation of the camp.
- g) Conduct on-going program evaluations implementing approved recommendations as needed.
- h) Complete and provide reports to the Director of Parks and Recreation on a weekly basis to monitor camp activities throughout the program. Reports include camp schedules, payroll, incident reports, and attendance.

2) Qualifications:

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

3) Requirements of Work:

- a) The Link Manager must complete all mandatory staff training prior to the start of camp if possible or within six (6) months of hire. This training is to include, but not limited to departmental policies, The Link policies, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.

- b) Ability to be physically active and involved with children all day.
  - c) Ability to lift 55 pounds.
  - d) Knowledge of child development and age-appropriate activities.
  - e) Advanced organizational and communication skills.
  - f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.
- B) Recreation & Childcare Coordinator and Summer Camp Director – responsible for the day-to-day operation of after school and day camp programs.
- 1) Essential Job Functions:
    - a) Directs and supervises the day camp program for children ages 5-12.
    - b) Develop a weekly schedule of activities.
    - c) Leads and instructs all camp counselors.
    - d) Plans, coordinates, and supervises programs, and activities of the day camp.
    - e) Assists in facility reservations and transportation needs for all camp activities.
    - f) Assist in scheduling, confirming, and distributing payments for all field trips.
    - g) Works closely with The Link Manager to determine work procedures, help prepare work schedules, follow-up on accident/incident reports, and assist with discipline (staff or campers) and any other necessary assistance.
    - h) Maintain an orderly, clean, and safe environment for the children while promoting a non-competitive program directed toward accentuating positive behaviors, physical development and emotional growth.
    - i) Serves as a resource person for camp counselors. Leads the camp counselors in facilitating appropriate behavior among campers and handling inappropriate behavior promptly. Provides direct supervision to campers at all times.
    - j) Maintains positive interpersonal relations among everyone involved in the summer camp program, including children, parents, Link staff, camp staff, The Link Manager, and Director of Parks & Recreation.
    - k) Acts as a role model for children ages 5-12, displays appropriate behavior, and creates a safe, inclusive environment for all campers and staff.
    - l) Monitors the use of recreation equipment and ensures it is used in a capacity that is used in accordance with its intended use.
    - m) Ensures all equipment is returned to its original location and put back in an organized fashion when done using. Follows and enforces staff rules, policies, and procedures outlined in the Summer Camp staff handbook.
    - n) Maintains positive public relations with parents and the general public at all times. Including updating parents about their children's concerns, growth, and corrections.
    - o) Performs administrative duties such as maintaining records, incident reports, etc.
    - p) Performs all other various duties assigned by The Link Manager.

- 2) Qualifications:
    - a) Bachelor's Degree in Education, Recreation or a similar area of study is preferred but not required.
    - b) A minimum of three years' experience in Recreation or Education industries.
    - c) Requires a valid Texas DL with a good driving record over the last three years.
    - d) Must pass city criminal background check prior to working with children.
    - e) Must pass pre-employment drug screen and/or physical.
    - f) Must complete First Aid, CPR and AED training prior to camp.
  - 3) Requirements of Work:
    - a) Coordinator and Summer Camp Director must complete all mandatory staff training prior to the start of camp if possible or within six (6) months of hire. This training is to include, but not limited to departmental policies, The Link policies, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
    - b) Ability to be physically active and involved with children all day.
    - c) Ability to lift 55 pounds.
    - d) Knowledge of child development and age-appropriate activities.
    - e) Advanced organizational and communication skills.
    - f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.
- C) Camp Leader and Attendant – The Camp Leaders and Attendants are responsible for direct leadership of youth 3-12 in a variety of activities including, but not limited to games, sports, crafts, special events and field trips. The Leaders and Attendants assist in planning and organizing camp schedules, activities, supplies, equipment, and are also responsible for cleanliness of the areas used by camp participants. The Leaders and Attendants are also responsible for completing necessary forms relating to attendance, check-in/check-out procedures, accidents, and incidents.
- 1) Essential Job Functions:
    - a) Promote a non-competitive, positive, self-image enhancing environment for each participant through the direction of well-designed activities.
    - b) Directly lead activities using a method that will provide opportunity for the involvement of all children on an equal level.
    - c) Exhibit enthusiasm for the activity to impart a feeling of excitement to all camp participants.
    - d) Follow procedures for camper check-in/check-out. Reporting accidents, incidents, behavioral modifications, and camp schedules.
    - e) Follow guidelines for safety and storage of equipment, including inventory of supplies.
    - f) Ensure the safety of all children and staff during transportation while on field trips.

- g) Provide and adhere to established guidelines set forth for the safety, behavior, communication, and discipline of the camp participants.
  - h) Recognize and reward positive, improved, and outstanding behavior and/or accomplishments of participants.
- 2) Minimum Qualifications:
- a) High School diploma and some college preferred.
  - b) One year of formal experience working with children preferred.
  - c) Requires a valid Texas DL with a good driving record over the last three years.
  - d) Must pass city criminal background check prior to working with children.
  - e) Must pass pre-employment drug screen and/or physical.
  - f) Must complete First Aid, CPR and AED training prior to camp.
- 3) Other Requirements:
- a) Leaders and Attendants must complete all mandatory staff training prior to the start of camp if possible or within one (1) month of hire depending on the availability of each training topic. This training is to include, but not limited to departmental policies, The Link policies, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
  - b) Staff must exhibit competency, good judgment, and self-control throughout the duration of the camp.
  - c) Staff should relate to the children with courtesy, respect, acceptance, and patience.
  - d) Staff will be evaluated at least once per year by The Link Manager. Evaluations will be reviewed to discuss any areas of improvement or suggestions.
- 4) Staffing Ratios: The state required ratio for the number of children (5-13) may not exceed 22:1 children to staff. The Link staff ratio will work to have a ratio no greater than 15:1. For field trips and off-site swimming, the ratio will be closer to 10:1.

### **III. Facility Standards**

- A. Emergency evacuation and relocation plans will be posted at The Link. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns will be passed on to the Recreation & Childcare Coordinator or The Link Manager.
- B. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Recreation & Childcare Coordinator or "Lead" Attendant. It shall include bandages and/or Band-Aids, rubber gloves, alcohol wipes, hot/cold packs, gauze, tweezers and scissors.
- C. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location. Program sites will be inspected by the Fire Marshal annually. The Link Manager is responsible for compliance with the Fire Marshal's directives. The recommended number of fire extinguishers shall be

inspected annually, publicly available and “primed” for use. Fire drills should be conducted once a month during the summer camp.

- D. Medication will only be administered with a parent consent form completed in addition to the program registration form. Prescription medications shall be left in The Link’s designated locked cabinet, in their original container, labeled with the child’s name, date, directions and the child’s physician’s name. Two staff members will be present while medication is given. Medication can only be dispensed as stated on the bottle unless stated in written form.
- E. All medications will be recorded on the parent consent form.
- F. The Link will have adequate indoor toilets and lavatories located such that children can use them independently and program staff can supervise as needed. There shall be one flush toilet per 30 participants. Sinks will also be at 1 sink for 30 children. It is expected that all camp and afterschool participants will be potty trained. Our staff will not be able to help change children that have had an accident.
- G. All participants must wear tennis shoes daily. Sandals, slip-ons, slippers, or flip-flops will not be allowed, except for appropriate field trips, like swimming.

#### **IV. Service Standards – Camp Staff**

- A. This information will be provided to each staff member as a part of the program manual:
  - 1. Appropriate clothing will be worn at all times. City or program shirt will be worn with appropriate shorts, pants, jeans, or leggings. The only exemption will be swimsuits. Clothing worn should not have any inappropriate logos, pictures, or messages.
  - 2. Staff will be provided at least two city or program shirts to wear as a uniform top. If a staff member needs to go home to change, it will be without pay.
  - 3. Females will wear one-piece swimsuits while working with the camp or other city programs. If wearing a two-piece swimsuit, the employee must wear a full-length t- shirt and appropriate shorts. Males will wear board shorts that are not form fitting.
  - 4. Name tags/IDs will be worn on the uniform shirt at all times.
  - 5. Participants and parents will be treated with respect at all times.
  - 6. Program staff will take it upon themselves to resolve complaints. Do not refer customers to another staff member outside of camp staff. Elevate to “Lead” attendant, Recreation & Childcare Coordinator or Summer Camp Director if necessary. Beyond that, take a name and phone number for full-time staff to contact later.
  - 7. Camp staff will keep parents informed of daily activities. A general weekly schedule will be available to parents the week before. Daily schedules will be visible each day.

8. Camp staff will monitor the check-in/check-out log at all times.
9. Camp staff will keep each activity area clean and tidy. Cleaning includes floors, walls, furniture, with supplies put away after use.
10. Camp staff will be involved with participants and parents most of the time. Staff will need to check in with the front desk and full-time staff for updates and messages.

## **V. Operational Issues**

- A. Emergency phone numbers are kept at The Link's front desk, as well as with the camp binder on all field trips.
- B. The Camp Manual is provided to every staff member and outlines the following:
  1. Behavior Management and Discipline Procedures
  2. Rules and Regulations
  3. Forms
  4. Service Standards
  5. Game/Activity Leadership
  6. Guidelines for Communication with Children and Parents
- C. Check-in/check-out forms will be used every day. Only designees ages 16-up, listed on the camper's release form, will be allowed to pick up participants. The authorized designee must enter the building and sign the check-out form in order for staff to release the child.
- D. Emergency evacuation and relocation plans will be posted at The Link.
- E. Transportation Requirements:

A Texas state law for child safety seats: specifically, booster seats, went into effect on September 1, 2009. This law applies to children under the age of eight (8) and under 4 feet and 9 inches tall. This law will apply to camp participants between the ages of five (5) and seven (7) years old.

The state law states:

- Once a child reaches eight (8) years old, they are not legally required to be in a child safety seat system.
- If the child is younger than eight (8) but is already taller than 4 feet and 9 inches tall, they are not legally required to be in a child safety seat system.
- If the child is eight (8) but shorter than the above height, they are not legally required to be in a child safety seat system.
- The law requires that safety and booster seats be installed and used according to the manufacturer's instructions, including age, height and weight requirements and the placement in the vehicle.

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

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

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

## **VI. Behavior Management and Discipline Procedures**

- A. Program employees will implement discipline and guidance in a consistent manner based on an understanding of individual needs and development with the best interests of program participants in mind.
- B. There will be no harsh, cruel, or corporal punishment used as a method of discipline. Discipline will be focused on the growth of the individual and encouraging improved behavior management.
- C. Program employees may use brief, supervised separation from the group if necessary. Children will be aware of all camp rules prior to the start of any activity. Their understanding of the rules is an integral part of behavior management. When negative behavior occurs, the participant will know there is a consequence for their

chosen action.

- D. Incident reports will be filled out for any disciplinary cases and shared with parents when picking up the child (sooner if an extreme case). Parents will be asked to sign the incident report to indicate that they have been advised about specific problems and/or negative behaviors.
- E. A participant could be suspended based on an extreme case or an aggregated concern of poor behavior choices. If that happens, parents will be contacted immediately and asked to pick up their child.
- F. Immediate removal from the program can happen if a child displays physical harm or threatens another participant. If a participant is removed from the program for behavior issues, there will not be a refund for unused time.

## **VII. Illness or Injury**

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

## **VIII. General Guidelines for Children**

- A. As a part of the Camp Manual, parents will be given the following information:
  - 1. A child is not allowed to use the phone unless it is deemed an emergency. In this case, staff should make the call for the child.
  - 2. Children must use furniture correctly, only sitting where designed and not standing on any furniture, counter, or game table.
  - 3. Running is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
  - 4. Bouncing or throwing balls is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
  - 5. Active games that could damage furniture, fixtures, and equipment shall only be played in the appropriate areas.
  - 6. Children must always show respect toward staff and other participants.
  - 7. Children must always have on appropriate attire and athletic, non-marking shoes.
  - 8. Children will always be contained and separated from the general public, except for on field trips, park visits and when swimming. Then staff will be more diligent with their oversight, so as to know where each child is at all times.
- B. The camp and afterschool program will provide activities for each group according to the participants' ages, interests, and abilities. The activities should be flexible and promote social and educational advancement.
  - 1. A weekly calendar will be available to parents the week before each camp session starts.
  - 2. While monitoring field trips, staff will;
    - a) Count everyone before leaving The Link and before returning back from the destination.
    - b) Carry all pertinent participant information including medical information.
    - c) Carry a first aid kit and mobile phone in each vehicle that is transporting participants.
    - d) Each participant will wear a Link wrist band on each field trip. The wrist band will have Link information in case a participant gets lost or loses visual contact with the rest of the group.

## **IX. Monitoring and Enforcement**

- A. Standards of Care established by the City of Richland Hills will be monitored and enforced by City Departments responsible for their respective areas. Health and safety standards will be monitored and enforced by the City's Police, Fire, and Code Compliance departments when applicable.
- B. Staff and program issues will be monitored and enforced by the Recreation Department staff. The Link Manager shall visit the program facilities on a bi-weekly basis. The Recreation & Childcare Coordinator will be responsible for a visual inspection on a daily basis.
- C. Monthly reporting by The Link Manager will include a comprehensive review of all program details, as well as the operation summaries.

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

# Memorandum

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

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

Date: May 13, 2024

Subject: Drought Contingency and Emergency Water Management Plan Update

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## **Agenda Item:**

Consider Ordinance 1500-24 adopting an updated Drought Contingency and Emergency Water Management Plan **PUBLIC HEARING**

## **Background Information:**

The current Drought Contingency and Emergency Water Management Plan for the City of Richland Hills was established in 2019. These types of plans are required to be updated every five (5) years, although alterations are allowed within the five (5) year window. The most recent alteration to this plan was in 2021. The alteration in 2021 reflected the most recent Texas Commission of Environmental Quality (TCEQ) rules as well as updated requirements as part of the contract the city has with the City of Fort Worth for the provision of potable water and sewer treatment services (mainly constant Stage 1 Watering Restrictions). The 2024 updated plan has minor edits (population data, position that oversees the plan etc.), yet holds the current watering standards. A public hearing on the plan is required prior to adoption of the ordinance.

The adoption of this ordinance will maintain the City's full compliance with state regulations as well as contractual requirements from the City of Fort Worth.

## **Financial Considerations:**

N/A

## **Legal Review:**

The City Attorney has reviewed Ordinance 1500-24

## **Board/Citizen Input:**

N/A

**Attachments:**

Ordinance 1500-24

**Council Action Requested:**

Motion to approve Ordinance 1500-24 adopting an updated Drought Contingency and Emergency Water Management Plan

**ORDINANCE NO. 1500-24**

**AN ORDINANCE ADOPTING AN UPDATED DROUGHT CONTINGENCY AND EMERGENCY WATER MANAGEMENT PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City is a wholesale water service customer of the City of Fort Worth; and

**WHEREAS**, as a wholesale customer of the City of Fort Worth, the City is required to institute the same rationing and water use restrictions on City customers as does the City of Fort Worth for so long as any part of the total water supply is furnished by the City of Fort Worth; and

**WHEREAS**, as a wholesale customer of the City of Fort Worth, the City is required to adopt an updated drought contingency and emergency water plan; and

**WHEREAS**, the City has drafted an updated "Drought Contingency and Emergency Water Management Plan" that complies with Chapter 288, Title 30 of the Texas Administrative Code.

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

**SECTION 1.**

The Drought Contingency and Emergency Water Management Plan attached as **Exhibit A** is hereby adopted and incorporated herein for all purposes. The Plan hereby adopted shall replace any previous such plans adopted by the City.

**SECTION 2.**  
**ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of Richland Hills and other applicable City ordinances, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the applicability of the conflicting provisions of such ordinances 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 Code of Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 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.**  
**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 6.**  
**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 7.**  
**EFFECTIVE DATE**

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

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on May 13, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

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

**ATTEST:**

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

EXHIBIT A

# City of Richland Hills PWS#2200022

## **Drought Contingency & Emergency Water Management Plan**

Revised April 9, 2014, Adopted August 5, 2014  
Revised June 21, 2021, Adopted July 26, 2021  
Revised May 1, 2024, Adopted May 13, 2024

## **1. INTRODUCTION AND OBJECTIVES**

The purpose of this Drought Contingency and Emergency Water Management Plan (subsequently referred to as the Plan) is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

## **2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES**

TCEQ rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

## **3. WATER SYSTEM PROFILE**

According to the 2020 Census, the City of Richland Hills has a population of 8,621. The city purchases approximately 60 percent of its water production from the City of Fort Worth and the remaining 40 percent is produced by city-owned water wells. There are currently five active water wells that pump water from the Trinity and Paluxy Aquifers.

The water supply triggers defined in Section 4.4 were provided to Richland Hills by its water supplier, City of Fort Worth. The City of Fort Worth was provided its water supply triggers from its suppliers, Tarrant Regional Water District (TRWD). TRWD selected its triggers after hiring an outside consultant to evaluate where the triggers levels should be for the drought plan to achieve meaningful water savings.

## **4. DROUGHT CONTINGENCY/EMERGENCY WATER MANAGEMENT PLAN**

### **4.1 Public Involvement**

The public had an opportunity to provide input into the plan.

- A public hearing is planned for May 13, 2024, and the Plan has been posted on the City’s website

## **4.2 Public Education**

Richland Hills will inform and educate the public about the Drought Contingency/Emergency Water Management Plan by the following means:

- Preparing fact sheets describing the plan and making these available online and at various city sites, and at events where the water department may have a booth.
- Posting a copy of the Plan on the city's Web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan.

At any time that the Drought Contingency/Emergency Water Management Plan is activated or the stage changes, Richland Hills will notify local media of the issues, the current response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. Bill inserts will also be used as appropriate.

## **4.3 Initiation & Termination of Drought & Emergency Response Stages**

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Richland Hills. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The Plan does not apply to locations using treated wastewater effluent, private wells or possessing their own water rights in the Trinity River; however, any pond, impoundment, body of water, or other water source that is supplemented, or has the ability to supplement supply, with potable water shall adhere to the provisions of this plan.

The Plan may be applied to the entire city or geographic portions of the city as necessary. If the Plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

### **Initiation of a Drought/ Emergency Water Management Stage**

The Director of Public Works or his designee ("Director") may order the implementation of a drought response or water emergency stage when one or more of the trigger conditions for that stage is met. The following actions will occur when a stage is initiated.

- The public will be notified through local media and the City of Richland Hills Web site, as described in Section 4.2.

Stages imposed by TRWD and Fort Worth must also be initiated by Richland Hills.

For other trigger conditions, the Director may decide not to order the implementation of a drought response or water emergency stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

### **Termination of a Drought Stage**

The Director may order the termination of a drought response or water emergency stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the City of Richland Hills Web site as described in Section 4.2.

The Director may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. The Director may choose to implement a phased out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

## **4.4 Drought and Emergency Response Stages**

### **Stage 1 – Water Watch**

#### **Triggering Conditions**

- The City of Richland Hills receives a portion of its water from the City of Fort Worth. The City of Richland Hills will continue to work with the City of Fort Worth to establish water restrictions during drought conditions. The City of Fort Worth will notify the City of Richland Hills when drought trigger conditions exist via telephone. The notification will be documented via letter or electronic communication. The City of Fort Worth's notification and subsequent documentation shall include the steps the City of Richland Hills must take. Upon notification, the City of Richland Hills will implement the Plan.
- Water demand reaches or exceeds 90% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- Richland Hills' water distribution system becomes contaminated.
- Richland Hills' water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Richland Hills' water supply system is unable to deliver water due to the failure or damage of major water system components.

- Fort Worth initiated Stage 1 – Water watch for one or more of the following reasons:
  - o Fort Worth’s water treatment or distribution system becomes contaminated.
  - o Fort Worth’s water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
  - o Fort Worth’s water supply system is unable to deliver water due to the failure or damage of major water system components.
- TRWD initiated Stage 1 – Water Watch for one or more of the following reasons:
  - o Total raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage.
  - o Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - o Water demand is projected to approach the limit of TRWD’s permitted supply.
  - o TRWD’s supply source becomes contaminated.
  - o TRWD’s water supply system is unable to deliver water due to the failure or damage of major water system components.
  - o The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 1 drought.

### **Terminating Conditions for Stage 1**

Stage 1 may terminate when TRWD and/or Fort Worth terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

### **Goal for Use Reduction for Stage 1**

The goal for water use reduction under Stage 1, Water Watch, is five percent. If circumstances warrant or if required by TRWD and/or Fort Worth, the Director can set a goal for greater water use reduction.

### **Actions Available for Stage 1**

The Director may order the implementation of any of the actions listed below, as deemed necessary. The Director must implement any action(s) required by the City of Fort Worth and/or TRWD.

### **All Water Users**

Initiate mandatory restrictions to prohibit non-essential water use as follows:

- Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical

or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:

- o Trash and dumpster areas
  - o Areas around fuel pumps
  - o Store front cleaning of areas with accumulated bird droppings, feathers and debris
  - o Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- Prohibit using water in such a manner as to allow runoff or other waste, including:
  - o failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
  - o operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
  - o during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
  - o Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.
- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
- Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as outlined below. This includes landscape watering of parks, golf courses, and sports fields. Wholesale customers may use a different watering schedule than the one below as long as it limits each service address to a twice per week schedule; however, use of the same schedule would simplify the messages passed to customers through the news media.
  - o Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
  - o Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
  - o All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.

Exceptions:

- Lawns and landscaping may be watered on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler.
- Water use necessary for the repair of an irrigation system, plumbing line,

- fountain, etc. in the presence of the person making the repair.
- Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Director, if the Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.
  - Establishing new turf is discouraged. If hydro mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye, or seasonal grasses, since turf already exist.)
  - Golf courses may water greens and tee boxes as necessary, however watering must be done before 10 a.m. and after 6 p.m. They are encouraged to reduce water use by five percent.
  - Skinned areas of sports fields may be watered as needed for dust control.
  - Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
  - Public areas that are open to the public at-large and have a high –impact from frequent use may be allowed additional watering, with a variance granted by the Director, if it is deemed to be beneficial to serve and protect the community amenity. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
  - All users are encouraged to use native and adapted drought tolerant plants in landscaping.
  - Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
  - Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety

risk.

In addition to the actions listed above, the City of Richland Hills will:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Increase public education efforts on ways to reduce water use.
- Increase enforcement efforts.
- Intensify leak detection and repair efforts.
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.

### **Commercial or Industrial**

- All actions listed above for all water users apply to commercial and industrial users.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an “on demand” basis.
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.
- All commercial and industrial customers are encouraged to audit irrigation systems

### **Stage 2 – Water Warning**

#### **Triggering Conditions for Stage 2**

- Water demand reaches or exceeds 95% of reliable delivery capacity for three consecutive days. The delivery capacity could be city wide or in a specified portion of

the system.

- Contamination of Richland Hills' water supply system.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Fort Worth initiated Stage 2 – Water warning for one or more of the following reasons:
  - o Fort Worth's water demand reaches or exceeds 95% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
  - o Contamination of the Fort Worth water supply source(s) or water supply system.
  - o Demand for all or part of the Fort Worth delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
  - o Fort Worth's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The TRWD initiated Stage 2 – Water Warning for one or more of the following reasons:
  - o Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage.
  - o Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - o Water demand is projected to approach the limit of TRWD's permitted supply.
  - o TRWD's supply source becomes contaminated.
  - o TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
  - o The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 2 drought.

### **Terminating Conditions for Stage 2**

Richland Hills may terminate Stage 2 when City of Fort Worth or TRWD terminates Stage 2 or when the circumstances triggering Stage 2 no longer exist.

### **Goal for Use Reduction for Stage 2**

The goal for water use reduction under Stage 2 – Water Warning is to decrease use by 10 percent. If circumstances warrant or if required by TRWD and/or Fort Worth, the Director can set a goal for greater water use reduction.

### **Actions Available for Stage 2**

The Director may order the implementation of any of the actions listed below, as deemed necessary. The Director must implement any action(s) required by the TRWD or Fort Worth

- Continue actions under Stage 1.
- Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

### **All Water Users**

- Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as determined by the Director. This includes landscape watering at parks, golf courses, and sports fields.

#### **Exceptions:**

- o Lawns and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose or tree bubbler.
  - o Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director, if the director determines that a property cannot be completely irrigated with an average of three- quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than once per week.
  - o Golf courses may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m. Fairways are restricted to once per week watering as outlined above. Golf course rough cannot be watered.
  - o Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by 10%.
  - o All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. Variances granted for establishing new turf grass or landscaping will be for a maximum of 30 days from the date of approval. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye since turf already exists.)
- Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.
  - Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

### **Mandated City Actions for Stage 2**

- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.

### **Commercial or Industrial**

- All actions listed above for all water users apply to commercial and industrial users.
- Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Director. Fire hydrant use may be limited to only designated hydrants.

### **Stage 3 – Emergency Water Use**

#### **Triggering Conditions for Stage 3**

- Water demand has reaches or exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be city wide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- Fort Worth has initiated Stage 3 – Emergency Water Use, which may also be initiated by one or more of the following:
  - o Fort Worth's water demand has reaches or exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be citywide or in a specified portion of the system.
  - o Contamination of the Fort Worth water supply source(s) or water supply system.
  - o Demand for all or part of the Fort Worth delivery system exceeds delivery

- capacity because delivery capacity is inadequate.
- o Fort Worth's water supply system is unable to deliver water due to the failure or damage of major water system components.
- TRWD has initiated Stage 3 – Emergency Water Use, which may also be initiated by one or more of the following:
  - o Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage.
  - o Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
  - o Water demand is projected to approach or exceed the limit of TRWD's permitted supply.
  - o TRWD's supply source becomes contaminated.
  - o TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
  - o The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 drought.

### **Terminating Conditions for Stage 3**

Stage 3 may terminate when TRWD and/or Fort Worth terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

### **Goals for Use Reduction for Stage 3**

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by 20 percent. If circumstances warrant or if required by TRWD and/or Fort Worth, the Director can set a goal for a greater water use reduction.

### **Actions Available for Stage 3**

The City of Richland Hills must implement any action(s) required by the City of Fort Worth or TRWD.

- Continue or initiate any actions available under Stages 1 and 2.

### **All Water Users**

- Prohibit landscape watering, including at parks, golf courses, and sports fields.

#### **Exceptions:**

- o Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and any time. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
- o Golf course greens only may be watered by hand-held hose as needed to keep

them alive. Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the Director detailing how each area will comply with stage 3 drought measures.

- Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
- Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.
- Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves.
- Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.

### **Mandated City for Stage 3**

- Continue or initiate any actions available under Stages 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce city and local government water use to maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.
- If City of Fort Worth or TRWD has imposed a reduction in water available to customers, impose the same percent reduction on wholesale customers.

### **Commercial or Industrial**

- All actions listed above for all water users apply to commercial and industrial users.
- Hotels, restaurants, and bars required to serve drinking water to patrons on an “on demand” basis.
- Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
- Commercial and industrial water users required to reduce water use by a set percentage determined by the Director.
- Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Director. Fire hydrant use may be limited to only designated hydrants.

### **4.5 Procedures for Granting Variances to the Plan**

The Director may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the Director. All petitions for variances should be in writing, using the forms provided, and must include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested

- Description of the relief requested
- Period of time for which the variance is sought
- Detailed schedule of irrigation that shows a reduction in use over the 30 day period for new lawns and landscapes. Schedule should be designed so that at the end of the 30 day period, lawn and landscaped areas can adhere to the twice per week schedule defined in Stage 1.
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

#### **4.6 Procedures for Enforcing Mandatory Water Use Measures**

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After three violations have occurred, the utility may cut off water service to the customer.

#### **4.7 Update of Drought Contingency Plan**

The City of Richland Hills reviewed this drought contingency plan in 2014 and will review at least every five years thereafter. The plan will be updated as appropriate based on new or updated information.

#### **4.8 Coordination with the Other Entities**

The City of Richland Hills will coordinate with the regional planning groups to ensure consistency with the appropriate approved regional water plans.

#### **Drought Contingency Plan Definitions**

| <b>Term</b>         | <b>Definition</b>                                                                                      |
|---------------------|--------------------------------------------------------------------------------------------------------|
| Aesthetic water use | Water use for ornamental or decorative features such as fountains, reflecting pools and water gardens. |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alternative Water Source    | Means water produced by a source other than a water treatment plan and in not considered potable. These sources can include, but are not limited to: reclaimed/recycled water, collected rain water, collected grey water, private well water.                                                                                                                                                                                  |
| Athletic field              | Means a sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.                                                                                                                                                                                                                                                    |
| Automatic Irrigation System | Means a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or through manual operation.                                                                                                                                            |
| Aquatic Life                | Means a vertebrate organism dependent upon an aquatic environment to sustain its life.                                                                                                                                                                                                                                                                                                                                          |
| Conservation                | Those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of water so that supply is conserved and made available for other or future uses.                                                                                                                                                     |
| Customer                    | Any person, company, or organization using water supplied by TRWD or through an entity supplied by TRWD.                                                                                                                                                                                                                                                                                                                        |
| Drip irrigation             | An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of the plant                                                                                                                                                                                                                                                                              |
| Drought Contingency Plan    | Means a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies.                                                                                                                                                                                                                  |
| Fountain                    | An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.                                                                                                                                                                                                                                                                                          |
| Golf Course                 | Means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.                                                                                                                                                                                                                                                                                        |
| Hand-held hose              | Means a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.                                                                                                                                                                                                                                                                                                                                   |
| Hand Watering               | Means the application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket.                                                                                                                                                                                                                                                                                                              |
| Hose-end Sprinkler          | Means a device through which water flows from a hose to a sprinkler to water any lawn or landscape.                                                                                                                                                                                                                                                                                                                             |
| Hosing                      | Means to spray, water, or wash with a water hose.                                                                                                                                                                                                                                                                                                                                                                               |
| Industrial water use        | Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities. |
| Irrigation system           | Means a system of fixed pipes and water emitters that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems.                                                                                                                                                                                                                                                  |
| Lake, lagoon or pond        | Means an artificially created body of fresh or salt water.                                                                                                                                                                                                                                                                                                                                                                      |
| Landscape irrigation use    | Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways.                                                                                                                                                                                                        |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "New landscape" means             | <ul style="list-style-type: none"> <li>a) Installed during construction of a new house, multi-family dwelling, or commercial building;</li> <li>b) Installed as part of a governmental entity's capital improvement project; or</li> <li>c) Alters more than one-half the area of an existing landscape.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Non-essential water use           | <p>Water uses that are not required for the protection of public health, safety and welfare, such as:</p> <ul style="list-style-type: none"> <li>a) Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;</li> <li>b) Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas; except to alleviate a public health and safety issue;</li> <li>c) Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes.</li> <li>d) Washing buildings or structures for purposes other than immediate fire protection, or other uses provided under this plan;</li> <li>e) Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels;</li> <li>f) Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;</li> <li>g) Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and</li> <li>h) Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.</li> </ul> |
| Park                              | Means a non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Power/Pressure washer             | Means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Pressure washer (High-Efficiency) | Means a machine that uses water or a water-based product applied at 1500 pounds per square inch (PSI) or greater.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Reclaimed Water                   | Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Soaker hose                       | Means a flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose or spigot. Does not include hose that by design or use sends a fine spray in the air. It is not considered drip irrigation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Splash Pad/Spray Park             | Means an area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Swimming pool                     | Means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Vegetable garden                  | Means any noncommercial vegetable garden planted primarily for household use; "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Well Water                        | Means water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

# Memorandum

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

From: Candice Edmondson, City Manager

Date: May 13, 2024

Subject: Interlocal Agreement for Glenview Drive Reconstruction Bond Funding

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## **Agenda Item:**

Consider Interlocal Agreement with Tarrant County to provide \$5,821,025 in bond funding for reconstruction of Glenview Drive through the Tarrant County 2006 Transportation Bond Program (2006 TBP) and the Tarrant County 2021 Transportation Bond Program (2021 TBP)

## **Background Information:**

Tarrant County has authorized the disbursement of \$5,821,025 in transportation bond funding for the reconstruction of Glenview Drive from Jordan Drive to SH 26. The attached Interlocal Agreement acknowledges Tarrant County's participation in the street reconstruction project and requires approval by the City of Richland Hills to officially allocate the bond funds. The agreement becomes effective upon the approval of both parties and shall terminate on September 30, 2028.

While the project description included in the Interlocal Agreement speaks to a "hybrid" road system, decisions on the final road design have not been made. The next step in the process is to complete a detailed traffic impact study. City staff is in the process of writing a request for proposals for qualified engineering firms to complete the traffic impact analysis and subsequent road design.

The Interlocal Agreement being presented to City Council is only for the acceptance of Tarrant County's contribution to the Glenview Drive project.

## **Financial Considerations:**

Tarrant County agrees to reimburse the City for 50% of the actual eligible project costs in an amount not to exceed \$5,821,025. The City will be responsible for the remaining project costs including construction, right of way acquisition, utility relocation, engineering, planning, surveying, etc. Funding will be provided through the sales tax-based Street Improvement Fund for the City's portion of project costs.

## **Legal Review:**

N/A

**Board/Citizen Input:**

N/A

**Attachments:**

Interlocal Agreement for Glenview Drive Reconstruction

**Council Action Requested:**

Motion to approve Interlocal Agreement with Tarrant County to provide \$5,821,025 in bond funding for reconstruction of Glenview Drive through the Tarrant County 2006 Transportation Bond Program (2006 TBP) and the Tarrant County 2021 Transportation Bond Program (2021 TBP)

STATE OF TEXAS           §       Interlocal Agreement for  
                                     §       Glenview Drive Reconstruction  
COUNTY OF TARRANT   §

This interlocal agreement (ILA) is entered into between Tarrant County, Texas, hereinafter referred to as the “COUNTY”, and the City of Richland Hills, hereinafter referred to as the “CITY”, and collectively referred to as the “parties”, for the purpose of providing funding through the Tarrant County 2006 Transportation Bond Program (2006 TBP) and the Tarrant County 2021 Transportation Bond Program (2021 TBP) to a needed transportation project within the boundaries of both parties which the Commissioners Court of the COUNTY and the governing body of the CITY find serves a public purpose and promotes the public welfare of the citizens of Tarrant County.

The COUNTY and the CITY make the following findings of fact:

1. This ILA is made pursuant to Chapter 791 of the Texas Government Code and the Tarrant County 2021 Transportation Bond Program Policy, as amended;
2. To the extent necessary, the parties will use current revenues to pay obligations in this ILA;
3. The project benefits the public in that it is a needed transportation project;
4. The COUNTY and the CITY each has the legal authority to perform its obligations in this ILA;
5. The division of costs provided in this ILA constitute adequate consideration to each party; and
6. Both parties acknowledge they are each a “governmental entity” and not a “business entity” as those terms are defined in Texas Government Code Section 2252.908, and therefore, no disclosure of interested parties is required.

**I.**  
**PROJECT DESCRIPTION**

This project, hereinafter referred to as the “Project”, will consist of a “road diet” system from City Point Drive to SH 26. The scope from Jordan Drive to City Point Drive will be improved with “Enhanced” modifications with four (4) lanes. The scope from City Point Drive to approximately 500 feet east of SH 26 will be improved to the “Transformational” system including 2-3 lanes with median and intermittent turn lanes. The Transformational system may include additional right-of-way for a multi-purpose sidewalk along Jack Binion Elementary School and for curbside parking along the business district sides. The last approximately 500 feet east of Glenview Blvd will be improved with the “Hybrid” system with 2/3 lanes connecting to the existing conditions at SH 26.

**II.**  
**SCOPE OF SERVICES PROVIDED BY CITY**

The services to be provided by the CITY shall include, but are not limited to, the following:

- A. All total project costs including construction, right of way acquisition, utility relocation, engineering, planning, surveying, and governmental approval costs (collectively referred to as “Costs”);
- B. Following project completion, the CITY will provide the overall total project cost summary with final cost share between funding partners;
- C. Construction agreement administration, site review, permitting, and inspection;
- D. The CITY agrees to facilitate the efficient operations of the Project through ongoing transportation system maintenance efforts, including signal timing optimization as applicable;
- E. Interagency coordination, including CITY notification to the North Central Texas Council of Government (NCTCOG) and the COUNTY of any amendments or modifications to NCTCOG’s Transportation Improvement Program (TIP);
- F. A detailed project schedule documenting the percent complete for each major component of the Project shall be provided to the COUNTY with every reimbursement request;
- G. The CITY agrees to invite the COUNTY to any project groundbreaking or ribbon cutting events; and
- H. The CITY will include the following language on all public notices, web pages, and on-site signage related to the Project:

“This project is funded by the City of Richland Hills and the Tarrant County Commissioners Court through the Tarrant County 2006 and 2021 Transportation Bond Programs, Precinct 3: Commissioner Gary Fickes”

### **III.** **TERM**

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2028, unless terminated as described in Section XII in this ILA or extended in writing and approved by both parties.

### **IV.** **FISCAL FUNDING ACKNOWLEDGEMENT**

Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds shown herein. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

**V.**  
**REIMBURSEMENT PROCESS**

The COUNTY agrees to reimburse the CITY for 50% of the actual eligible PROJECT costs in an amount not to exceed \$5,821,025.00. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

**County Payment by Phase\***

|                  |                                  |
|------------------|----------------------------------|
| Design:          | \$590,000.00 (2021 TBP)          |
| ROW Acquisition: | \$0.00                           |
| Construction:    | \$500,000.00 (2006 TBP)          |
|                  | <u>\$4,731,025.00 (2021 TBP)</u> |
| TOTAL:           | \$5,821,025.00                   |

TBP Funding Category: 2006 Pct 3 Discretionary and 2021 Call for Projects

*\* Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY.

**VI.**  
**AGENCY-INDEPENDENT CONTRACTOR**

Neither the COUNTY nor any employee thereof is an agent of the CITY, and neither the CITY nor any employee thereof is an agent of the COUNTY. This ILA does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or other amenities of employment by the other party.

The COUNTY will have no right to control the manner or means of construction of the CITY's contractor for this PROJECT.

**VII.**  
**ASSIGNMENT**

Neither party may assign, in whole nor in part, any interest it may have in this ILA without the prior written consent of the other party.

**VIII.**  
**THIRD-PARTY BENEFICIARY EXCLUDED**

No person other than a party to this ILA may bring a cause of action pursuant to this ILA as a third-party beneficiary. This ILA may not be interpreted to waive the sovereign or governmental immunity of any party to this ILA to the extent such party may have immunity under Texas law.

**IX.**  
**AUDIT OF RECORDS**

The CITY's records regarding this PROJECT shall be subject to audit by the COUNTY during the term of this ILA and for five years after the completion of the PROJECT.

**X.**  
**ENTIRE AGREEMENT**

This ILA represents the entire understanding of and between the parties and superseded all prior representations. This ILA may not be varied orally but must be amended by written document of subsequent date duly executed by these parties.

**XI.**  
**VENUE**

This ILA shall be governed by the laws of the State of Texas and venue for any action under this ILA shall be in the district courts of Tarrant County, Texas.

**XII.**  
**TERMINATION**

Until funded by the COUNTY as described in Section V, this ILA may be terminated by either party by providing written notice to the other party at least thirty (30) days prior to the intended date of termination. Such notice shall be deemed given when personally delivered or mailed by certified or registered mail (with return-receipt and postage prepaid) and addressed to:

**COUNTY:**

County Administrator  
Tarrant County  
100 E. Weatherford Street, Ste. 404  
Fort Worth, Texas 76196

**CITY:**

Mayor or City Manager  
City of Richland Hills  
3200 Diana Drive  
Richland Hills, TX 76118

**XIII.**  
**SOVEREIGN POWERS**

The COUNTY and the CITY agree and understand neither Party waives nor surrenders any of its governmental powers by execution of this ILA.

**XIV.**  
**COMPLIANCE WITH LAWS**

In providing services required by this Agreement, CITY and any contractors the CITY engages to perform these services must observe and comply with all applicable federal, state and local statutes, ordinances, rules and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. CITY shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

**APPROVED** on this day the \_\_\_\_ day of \_\_\_\_\_, 2024, by Tarrant County.

Commissioners Court Order No. \_\_\_\_\_.

**TARRANT COUNTY, TEXAS**

**CITY OF RICHLAND HILLS**

\_\_\_\_\_  
Tim O'Hare, County Judge

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

\_\_\_\_\_  
Gary Fickes, Commissioner Pct 3

***APPROVED AS TO FORM:***

\_\_\_\_\_  
Criminal District Attorney's Office\*

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Secretary (If applicable)

\* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

**CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:**

\$\_\_\_\_\_ *as follows:*

Fiscal year ending September 30, 2024: \$295,000.00 2021 TBP - Call for Projects, Pct 3

\_\_\_\_\_  
Auditor's Office