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, the Council 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, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein.

2. Review the current status and public update of the Community Center Project

3. Discussion of items and presentations listed on tonight’s City Council Agenda

REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

A. Citizen Appearances/Public Comments
   (Citizens who have signed a card to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.)
2. **CONSENT AGENDA**

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

A. Approval of minutes from the March 1, 2016 Regular meeting
B. Approve and issue an amending plat, Lot A1A, Block 2 for Volume 388-45, Page 63 P.R.T.C.T.) an addition to the City of Richland Hills, Tarrant County, Texas out of the H. Bennett Survey Abstract No. 138.

3. **JOINT PLANNING AND ZONING AND CITY COUNCIL PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**

A. Joint Public Hearing for a specific use permit to permit operation of a contracting business (MCL Contracting) with outside storage. The property, zoned Light Commercial (L-C), is located at 7324 Baker Blvd.
B. Planning and Zoning consideration of recommendation for a request for a Specific Use Permit (SUP) for operation of a contracting business (MCL Contracting) with outside storage. The property, zoned Light Commercial (L-C), is located at 7324 Baker Blvd.
C. City Council Consideration of a request for a Specific Use Permit (SUP) for operation of a contracting business (MCL Contracting) with outside storage. The property, zoned Light Commercial (L-C), is located at 7324 Baker Blvd.

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

A. None at this time

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

A. None at this time
6. OTHER ITEMS FOR CONSIDERATION

A. Consideration of a Final Plat to combine 7218 Baker Blvd and 7324 Baker Blvd into one lot, also known as Lot 1 Block 1 Baker Addition, Richland Hills, Tarrant County, Texas.

B. Planning and Zoning consideration of a recommendation for a Final Plat to combine 7218 Baker Blvd and 7324 Baker Blvd into one lot, also known as Lot 1 Block 1 Baker Addition, Richland Hills, Tarrant County, Texas.

C. City Council Consideration of a Final Plat to combine 7218 Baker Blvd and 7324 Baker Blvd into one lot, also known as Lot 1 Block 1 Baker Addition, Richland Hills, Tarrant County, Texas.

D. Adjourn Planning and Zoning Meeting.

7. REPORTS & DISCUSSIONS

A. Discussion regarding proposed ordinance regulating bamboo

B. Presentation of Monthly Department Reports

8. COMMUNITY INTEREST ITEMS

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

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

9. EXECUTIVE SESSION

A. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein.
Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

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

10. ADJOURNMENT

CERTIFICATE
I hereby certify that the above agenda was posted on this the 11th day of March, 2016 by 11:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.

Cathy Bourg
Cathy Bourg
City Secretary

ACCESSIBILITY STATEMENT
The Facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements at the meeting, please notify the City Secretary 48 hours in advance of the meeting so that reasonable accommodations can be made. City of Richland Hills (817) 616-3810.
EXECUTIVE SESSION: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, executive session may be held under one or more of Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 413.183 (f) and 418.106 (d) & (e), either at the end of the Regular Session or at any time during the meeting on any item on the agenda if a need arises for the City Council to seek advice from the City Attorney or otherwise convene in closed session as permitted by such sections of the Open Meetings Act. The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session. Please refer to agenda for the items posted. The sections referenced above are generally described as follows:

**Section 551.071: Consultation with Attorney**

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

2. Legal issue related to the Transportation Code and the May 2016 Election

**Section 551.072: Deliberation regarding real property:**

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

**Section 551.073: Deliberation regarding Prospective Gift or Donation**

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

**Section 551.074: Deliberation regarding Personnel Matters**

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

1. Annual Review of City Secretary
Section 551.076: Deliberation regarding Security Devices
The City Council may deliberate the deployment, or specific occasions for implementation of security personnel or devices.

Section 551.087: Deliberation regarding Economic Development Negotiations

The City Council may discuss or deliberate regarding commercial or financial information received from a business prospect that the city seeks to have locate, stay or expand in or near the city and which the City is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect; particularly, discussion with economic development specialist regarding potential economic incentive agreement for development of real property.
1. 3200 Handley Ederville Road, Richland Hills, Texas

Section 418.183(f): Texas Disaster Act

The City Council may deliberate information: (1) for purposes of preventing, investigating, or responding to an act of terrorism or related criminal activity and involving emergency response providers, their staffing, contact information and tactical plans; (2) that relates to the risk or vulnerability of persons or property, including infrastructure, to an act of terrorism; (3) that relates to the assembly of an explosive weapon, the location of a material that may be used in a chemical, biological or radioactive weapon, or unpublished information pertaining to vaccines or devices to detect biological agents or toxins; (4) that relates to details of the encryption codes or security keys for a public communication system; (5) that relates to a terrorism-related report to an agency of the United States; (6) that relates to technical details of particular vulnerabilities of critical infrastructure to an act of terrorism; (7) that relates to information regarding security measures or security systems intended to protect public and private property from an act of terrorism; or (8) any other topic subject to discussion in closed session pursuant to the Texas Disaster Act.

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

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

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Jason Moore, Assistant to the City Manager
Date: March 15, 2016
Subject: Request for an SUP to allow outside storage at 7218/7324 Baker Boulevard

**Council Action:** Consider an ordinance granting a Specific Use Permit (SUP) to permit operation of a general contracting business with outside storage (MCL Contracting) for property zoned Light Commercial (LC) and located at 7324 Baker Boulevard.

**Background Information:** In late summer/ early fall of 2015, MCL Contracting purchased the property at 7324 Baker Boulevard where the Richland Computers business operated for many years. The building is approximately 7,000 square feet in size and if you recall, a portion of the parking lot on the Baker Blvd side of the building actually resides within the Texas Department of Transportation’s right-of-way.

Additionally, the vacant lot immediately adjacent to the building, at 7218 Baker Blvd, was also purchased by the applicant and is being proposed to be the parking area for the primary building.

As you will see on the proposed site plan, the only outside storage area has been located directly south of the existing building so it is screened from Baker Blvd. The size of the outside storage is approximately the size of 10 standard parking spaces. This is significantly less than the previous proposed version and is now behind the building instead of fronting Baker Blvd.

City staff recommends approval of this Specific Use Permit to allow a contractor’s shop with outside storage as designated on the attached site plan.

**Board/Citizen Input:**
The Planning & Zoning Commission will be considering this request earlier in the evening during its posted meeting and will have a recommendation for City Council before this item is ready for Council action.

**Financial Impact:** N/A

**Staff Contacts:** Jason Moore, Assistant to the City Manager, jmoore@richlandhills.com

**Attachments:** Subject Property Aerial; SUP Ordinance; Exhibit A; & Exhibit B
ORDINANCE NO. __________

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY GRANTING A SPECIFIC USE PERMIT PERMITTING THE OPERATION OF A GENERAL CONTRACTING BUSINESS WITH OUTSIDE STORAGE ON CERTAIN PROPERTY LOCATED AT 7324 BAKER BOULEVARD, RICHLAND HILLS, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance, codified as Chapter 90 of the City 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 General Contracting Business with Outside Storage in the “Light Commercial” (LC) Zoning District; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on March 15, 2016, and by the City Council of the City on March 15, 2016 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:
SECTION 1
SPECIAL USE PERMIT GRANTED
Chapter 90 of the City Code, as amended, is hereby amended so that a specific use permit is granted as shown and described below:

Applicant: MCL Contracting, LLC
Property Address: 7324 Baker Boulevard, Richland Hills, Texas
Legal Description: An approximate 0.783 acre parcel of land in the S. Popplewell Survey, Abstract No. 1241, City of Richland Hills, Texas as more particularly described on the attached Exhibit A.
Zoning Change: The property shall remain located in the “Light Commercial” (LC) Zoning District, and a Specific Use Permit permitting the operation of a General Contracting Business with outside storage (which storage shall be incidental to the primary use of the General Contracting Business) 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 herein 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, 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. In addition, use of the property described above shall be subject to all restrictions, terms and conditions contained in the site plan and conditions attached as Exhibit B, which is incorporated herein by reference.
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
PENALTY
Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subjected to such civil penalties as authorized by law.

SECTION 6
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, 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 7
SEVERABILITY
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8
PUBLICATION
The City Secretary is hereby directed to publish in the official newspaper of the City the caption, penalty clause, publication clause, and effective date clause of this ordinance as required by law.
SECTION 9
EFFECTIVE DATE

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

PASSED AND APPROVED ON THIS _______ DAY OF __________________, 2016

________________________________________________
THE HONORABLE BILL AGAN, MAYOR

ATTEST:

__________________________________________
CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

__________________________________________
BETSY ELAM, CITY ATTORNEY
Survey Completed By:

Property Address:

P.O. Box 263
2600 Broadway Blvd.
Eaton, TX 75566

TerraCorp

TerraCorp Data No.:

Client Order Number:

TerraCorp Date:

1/29/2015

Certified By:

State of Texas Section Title

Legal Description:

Please See Deed Exhibit

NOTES

1. Benchmark Control shown herein is baselines

NAVD/CSOS/EROS/EDM (2016) set to the Texas Coordinate

System of 1983, North Central Zone (2015) using the

Geodetic "Gentle" RTK GPS Network.

2. There were no survey related exceptions in Schedule D,

Commitments for Title Insurance. Fidelity National Title

Insurance Company, GP No. 1005636-01, is documenting,

1/30/2016, Issued September 1st, 2015.

PROPERTY DESCRIPTION:

Being 0.763 acres patented and lying and situated in the S. Popplewell Survey, Abstract No. 528, City of Rockford, Hardeman County, Texas, being comprised of the tract of land described in a deed to Robert G. Calvert, Jr., recorded July 28, 1975, Page No. 1931, Rock Property Records, Hardeman County, Texas, and described as Lot No. 2, clavell Road (100') E of R.O.W. and 240' W of R.O.W. and 240' W of R.O.W. as described in Schedule B.

BEGINNING at a "T" mark set in concrete for corner at the intersection of the South right-of-way line of Baker Boulevard, a State Highway 183 (160') R.O.W., and the West right-of-way line of Highway 183 (240') R.O.W. as described in Schedule B, the North west corner thereof.

THENCE, South 55° 57' 00" West, along said West right-of-way line, a distance of 120.00 feet to a "T" set in concrete for corner at the Southeast corner thereof.

THENCE, South 06° 47' 55" East, a distance of 60.19 feet to a 5'6" steel post "TERRACORP" cap set in the Southeast corner thereof.

THENCE, South 05° 59' 47" East, a distance of 115.20 feet to a 5'6" steel post "TERRACORP" cap set in the southeast corner thereof.

THENCE, South 18° 16' 40" West, along the Southeast line of the tract, a distance of 240.00 feet to a 5'6" steel post "TERRACORP" cap set in the southeast corner thereof.

THENCE, North 47° 40' 30" East, a distance of 60.19 feet to a concrete monument found for corner in said South right-of-way line.

THENCE, North 06° 47' 55" East, along said North right-of-way line, a distance of 115.19 feet to a 5'6" steel post "TERRACORP" cap set in the southeast corner thereof.

THENCE, North 19° 59' 22" East, a distance of 60.19 feet to the Point of Beginning and containing 0.763 acres of land, more or less.

FLOOD NOTE:

According to the F.I.R.M. No. A6434201219, this property does not lie in "Corridor X" and does not lie in the 100-year flood zone.
Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Jason Moore, Assistant to the City Manager
Date: March 15, 2016
Subject: Final Plat Richland Hills, Lot 1, Block 1 Baker Addition

Council Action: Approve and issue a final plat, Lot 1, Block 1 Baker Addition to the City of Richland Hills, Tarrant County, Texas.

Background Information: MCL Contracting, the owner of both properties on 7218 and 7324 Baker Blvd, is utilizing the short form plat process to combine both properties into one single platted lot. Having a platted lot is required to obtain a building permit in the City. Currently, neither property is platted.

Division 5. – Short Form Plats, Section 74-126 of the City’s Subdivision Regulations control this request. The short form plat approval procedure may be applicable when the following conditions have been met:

(1) Short form plat and supporting instruments are respectively drawn and compiled in compliance with the requirements for a final plat.
(2) The short form plat and supporting instruments or subdivision they represent are not otherwise in contravention with V.T.C.A., Government Code ch. 212.
(3) Each lot and block has frontage upon a dedicated and improved street to city specifications.
(4) All easements to each block, or lot have been previously granted or are shown on the plat.
(5) The proposed development neither contains nor creates a significant drainage problem, nor is topography a salient development consideration.
(6) All utilities required to serve each block, or lot are in place or arrangements to provide such utilities have been made with the appropriate agency.
(7) The proposed lots shall meet the size requirements of the zoning ordinance.
(8) Subject property shall not exceed five acres.
(9) The property so platted shall conform in size and shape to the lots in the vicinity.
(10) All design, engineering, improvements and specifications of documents to be submitted that are applicable to final plats shall be applicable to the short form plat.

City staff has worked with the property owner and their surveyor to insure all of the necessary requirements have been included. Since they have met the requirements provided in the ordinance, staff recommends approval of this Final Plat.

Board/Citizen Input:
The Planning & Zoning Commission will be considering this request earlier in the evening during its posted meeting and will have a recommendation for City Council before this item is ready for Council action.

**Financial Impact:** N/A

**Staff Contacts:** Jason Moore, Assistant to the City Manager, jmoore@richlandhills.com

**Attachments:** 1) Final Plat (the official plat will have a different seal and will be signed by P&Z and the Mayor, if approved)