MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
MAY 10, 2011

Mayor Ragan called the Regular City Council meeting to order at 7:00 p.m., in the Council Chambers of the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.

David L. Ragan	Mayor
Kenney Davis, Place 2	Mayor Pro Tem
James Blyn, Place 1	Councilmembers
Andrew Baugh, Place 3	
Ricky Head, Place 4	
Larry Marrs, Place 5	
James W. Quin	City Manager
Linda Cantu	City Secretary
Tim Sralla	City Attorney

with the following members absent: Councilmember James Blyn, constituting a quorum, at which time the following business was transacted:

1. Call to Order

2. **INVOCATION/PLEDGES OF ALLEGIANCE**

The invocation was given by Councilmember Kenney Davis.

Councilmember Ricky Head led the Pledge of Allegiance to the United States and Texas flags.

3. **PUBLIC INPUT OR PUBLIC COMMENTS-**

Mike Williams, 7016 Hovenkamp, voiced his concerns about his neighbor conducting a business out of his home.
Christopher Lyster, Attorney, 777 Main St., Fort Worth, TX. requested item #15 moved at this point in the meeting.
Travis Malone, 3106 Elm Park, mentioned the Safe Route to School program that will take place Saturday, May 14, 2011.

4. **PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS-**

Mayor Ragan presented and read the following:

A) Presented a five-year service award to Ms. Aleshia A. Wingate, Police Officer, Police Department;
B) Proclaimed May 15-21, 2011 as National Police Week and publicly saluted the service of law enforcement officers in our community and in communities across the nation;
C) Proclaimed May 2011 as Bicycle Safety and Awareness Month and urge citizens to become informed on bicycle safety issues to reduce bicycle related risks and injuries via attending events such as bicycle safety rodeos; and
D) Proclaimed the week of May 6-12, 2011 as National Nurses Week and encourage all citizens to honor bedside nurse leaders who through their evidence based practice, research, continued education and sharing of best practices improve the quality of care of all patients.

5. **BOARD APPOINTMENTS AND RESIGNATIONS-**

There were no appointments or resignations.

6. **RECEIVE THE REPORT OF THE CITY'S DELINQUENT TAX COLLECTION LAW FIRM LINEBARGER GOGGAN BLAIR AND SAMPSON, LLP REGARDING THE COLLECTION OF DELINQUENT PROPERTY TAXES OWED WITHIN THE CITY-**

James Quin, City Manager advised the following was for consideration to receive and discuss report of the City's delinquent tax collection law firm Linebarger Goggin Blair and Sampson, LLP regarding collection of delinquent property taxes owed within the City, particularly regarding vacant properties.

Steve Meeks, representative with Linebarger Goggin Blair and Sampson, LLP, briefed Councilmember's on the delinquent tax collection process.

7. **APPROVE AGREEMENT REGARDING STORAGE OF MACHINES AT CITY FACILITY-**

James Quin, City Manager advised the following was for consideration to discuss and approve an agreement with Mrs. Pat Jermyn regarding storage of popcorn, hotdog and snow cone machines at a City facility in return for consent to use such machines at City functions and City-sponsored community events.

SUPPORT: Martha Strain, 3663 Popplewell
Patricia Jermyn, 3424 Chaffin
Travis Malone, 3106 Elm Park

OPPOSITION: Janece Hill, 7000 Park Place

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Marrs to approve. Motion carried by a vote of 4-0.

8. **CONDUCT PUBLIC HEARING REGARDING REQUEST FOR SPECIAL USE PERMIT TO OPERATE SNOW CONE STAND AT 6940 BAKER BOULEVARD-**

James Quin, City Manager advised the following was for consideration:

A) Conduct public hearing regarding a request for a special use permit from the owner of the Mom & Pop Snow Cone Shop to operate a snow cone stand located at 6940 Baker Boulevard which is in the General Commercial Zoning District (C-2); and

B) Approve a special use permit to operate a snow cone stand located at 6940 Baker Boulevard which is in the General Commercial Zoning District (C-2)

Mayor Ragan opened the public hearing.

Matt Shaffstall, Economic Development Specialist, stated the fruit market stand will once again be open for business at the same location.

There being no one else to speak, Mayor Ragan closed the public hearing.

SUPPORT: Jerry Spraggin, 4117 Huckleberry Dr., Ft. Worth

OPPOSITION: None

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Baugh to approve. Motion carried by a vote of 4-0. **Ord. 1197-11**

9. **APPROVE ORDINANCE AMENDING BOARDS, COMMISSIONS AND COMMITTEES-**

City Manager James Quin advised the following was for consideration to discuss and approve an ordinance amending Boards, Commissions and Committees.

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember Davis to direct City Attorney to prepare ordinances with proposed changes. Motion carried by a vote of 4-0.

10. **APPROVE RICHLAND HILLS DEVELOPMENT CORPORATION ACTION REGARDING INCENTIVE AGREEMENT FOR A PROPERTY LOCATED AT 7060 BOULEVARD 26-**

City Manager James Quin advised the following was for consideration to discuss and approve Richland Hills Development Corporation action regarding granting an economic development incentive with CCR Grapevine Hwy., LLC for a project located at 7060 Boulevard 26, Richland Hills, Texas with the value of the incentive based on the value of construction, fifty percent (50%) of the cost to abate and demolish the existing structure, and the cost of rebating construction permits not to exceed one hundred and twenty-two thousand two hundred and ninety dollars ($122,290).

Matt Shaffstall, Economic Development Specialist, briefed Councilmember's on the project.

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember Davis to approve pending final wording by City Attorney. Motion carried by a vote of 4-0.

11. **CALL PUBLIC HEARING ON FISCAL YEAR 2011-12 CRIME CONTROL AND PREVENTION DISTRICT BUDGET-**

City Manager James Quin advised this item was for consideration to discuss and call a public hearing for 7:00 P.M., Tuesday, June 14, 2011 regarding approval of the Fiscal Year 2011-12 Crime Control and Prevention District Budget.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to approve. Motion carried by a vote of 4 to 0.

12. **APPROVE INTERLOCAL AGREEMENT WITH BIRDVILLE INDEPENDENT SCHOOL DISTRICT REGARDING CONSTRUCTION OF A DETENTION POND AT RICHLAND HILLS ELEMENTARY SCHOOL-**

City Manager James Quin advised the following item was for consideration to discuss and approve an interlocal agreement with the Birdville Independent School District regarding construction of a detention pond by the City located at Richland Hills

Elementary School for the purpose of detailing storm water runoff as part of its flood control program.

Michael Barnes, Director Public Works, briefed Councilmember's on the detention pond and the location of the pond.

Terry Barr, representative with Halff Associates, described the purpose of the pond that will improve flooding and protection from storm water runoff.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to approve. Motion carried by a vote of 4 to 0.

13. **APPROVE RESOLUTION APPROVING AMENDED WATER CONSERVATION AND EMERGENCY MANAGEMENT PLAN-**

City Manager James Quin advised the following was for consideration to discuss and approve resolution approving amendments to Water Conservation and Emergency Management Plan first adopted in 2000.

MOTION: A motion was made by Councilmember Marrs, and seconded by Councilmember Davis to approve. Motion carried by a vote of 4 to 0. **Ord. 1196-11**

14. **APPROVE CONTRACT AWARD TO HALFF ASSOCIATES, INC. REGARDING DRAINAGE ANALYSIS-**

City Manager James Quin advised the following was for consideration to discuss and approve contract award for the amount of $19,340 to Halff Associates, Inc., regarding providing an analysis of the drainage patterns for property located at 7060 Boulevard 26, near the intersection of SH 26 and Popplewell Street.

Michael Barnes, Director Public Works, Terry Barr, Halff Associates, and Matt Shaffstall, Economic Development Specialists, briefed Councilmember's on the drainage patterns and the amount of work that can be done with the funding available at this time.

Tim Sralla, City Attorney, stated the internet posting did not include the contract amount, as a result a suggestion was to table this item until the next City Council meeting.

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember Baugh to table to the May 24, 2011 meeting. Motion carried by a vote of 4 to 0.

15. **CONSIDER HEARING A STAFF REPORT REGARDING A "STOP" ORDER ISSUED BY CODE ENFORCEMENT FOR A PARTIALLY CONSTRUCTED FENCE AT 7008 HOVENKAMP DETERMINED TO BE IN VIOLATION OF CITY CODE. INADDITION, CONSIDER DIRECTING THE REMOVAL OF THE SEGMENTS OF FENCING, POSTS, OTHER FENCING MATERIALS, INCLUDING CONCRETE FOOTINGS ON THE PROPERTY-**

City Manager James Quin advised the following was for consideration to hear a report from city staff on the history of the construction of a fence at 7008 Hovenkamp, which extends beyond the property building line authorized by city ordinances, and directing the removal of the portions of the fence and concrete footings which have been determined to be in violation. This item was placed on the agenda by Councilmember Marrs.

Denice Thomas, Community Development Director, gave a time line of the constructed fence.

SUPPORT: Martha Strain, 3663 Popplewell
Greg Klarich, 6909 Danele Ct.
Jim Parker, 6964 Danele Ct.
Mike Williams, 7016 Hovenkamp

OPPOSITION: Christopher Lyster, Attorney, 777 Main St., Fort Worth

A suggestion was made by Councilmember Head to move this item for further discussion into Executive Session.

16. **REMOVAL OF CONSENT AGENDA ITEMS-**

17. **APPROVAL OF MEETING MINUTES-**

Approval of Tuesday, April 26, 2011, Regular Meeting Minutes.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to approve. Motion carried by a vote of 4-0.

18. **EXECUTIVE SESSION-**

Mayor Ragan recessed the Regular Session of the Richland Hills City Council at 9:01 P.M. in order to enter into 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, 551.073, 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.

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. This includes the following pending and/or contemplated litigation subjects.

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; particularly, acquisition of a drainage easement located at 7025 Latham Drive.

Mayor Ragan reconvened the meeting in open session at 9:19 p.m.

19. ADJOURNMENT

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 9:19 P.M.

ATTEST	**APPROVED**
_____	_____
Linda Cantu City Secretary	David Ragan Mayor