**MINUTES OF**
**RICHLAND HILLS CITY COUNCIL**
**REGULAR MEETING**
**JUNE 28, 2011**

## PRE-COUNCIL WORK SESSION

The pre-council work session was called to order by Mayor David L. Ragan at 6:30 p.m., in the Conference Room of the Richland Hills City Hall to review items on the agenda prior to the regular meeting.

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

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| David L. Ragan | Mayor |
| Roland Goveas, Place 1 | Councilmembers |
| Robert DeSoto, Place 3 | |
| Ricky Head, Place 4 | |
| Edward Lopez, Place 5 | |
| James W. Quin | City Manager |
| Linda Cantu | City Secretary |
| Tim Sralla | City Attorney |

with the following members absent: Councilmember Edward Lopez, 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 Davis.

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

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

Beverly Williams, 7112 Richland Road, requested members for the Teen Court Advisory Board include private school students as well as public school students.

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

Consider recognizing and presenting awards to the following:

A) Mayor Ragan presented a five year service award to Mr. Lorenzo Cedillo, Jr. Police Officer, Police Department.

5. **BOARD APPOINTMENTS AND RESIGNATIONS-**

Mayor Ragan announced the City Secretary is currently working on the Boards, Commission and Committee roster; therefore the roster will be available at the next City Council meeting.

6. **CONSIDER CREATING AN AD HOC COMMITTEE TO REVIEW PROPERTIES WHICH HAVE DELINQUENT TAXES-**

City Manager James Quin advised the following was for consideration to create an ad hoc committee which purpose is to review properties which have delinquent taxes and determine if the City should consider acquiring such properties.

Councilmember Head stated that the Councilmember's met with the cities tax attorney, Mr. Meeks, and received information from the attorney that would serve this purpose. Mr. Meeks' office can handle the Councilmember's request; therefore an Ad Hoc Committee will not be formed for this purpose.

**MOTION:** A motion was made by Councilmember Head, and seconded by Councilmember Davis that the creation of an Ad Hoc Committee is not necessary at this time. Motion carried by a vote of 4-0.

7. **CONSIDER DRAFTING A POLICY INCREASING PROJECT VALUE LIMIT BEFORE REQUIRING ARCHITECTURAL AND ENGINEERING SERVICES-**

City Manager James Quin advised the following item was for consideration to discuss and approve drafting of policy which would increase the monetary value limit of a project before requiring architectural and engineering services.

City Attorney Sralla stated he researched various state laws that require the use of architectural engineering services, and stated most projects that are in excess of $50,000 do require the use of an architect to draft the plans. There are similar provisions for use of engineers, and there are limits that affect the city and what the city can do. Mr. Sralla further stated, there is no limitation on how the city approaches the award of construction projects. It is possible the city could design its specifications to include a certificate from an architect or engineer, as may be required, as a turn-key project.

No action taken on this item.

8. **APPROVE AN ORDINANCE ESTABLISHING CITY CHARTER REVIEW COMMITTEE-**

City Manager James Quin advised the following was to consider and discuss approving an ordinance establishing a City Charter Review Committee which will be comprised of appointees from each council place and an appointee from the Mayor to serve as chairman of the committee. The chairman would only vote in case of a tie.

Ron Hyde, 6656 Hovenkamp, questioned the composition of the committee.

Mayor Ragan requested the item tabled due to Mr. Lopez absence this evening.

City Attorney Sralla stated the committee would not have the authority to remove another committee member.

There was general discussion on the changes to the ordinance.

Because of the requested changes to the ordinance that was presented tonight, Councilmember's recommended this item tabled.

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

9. **APPROVE ORDINANCE ESTABLISHING PUBLIC TRANSPORTATION ADVISORY BOARD-**

City Manager James Quin advised the following was to consider discussing and approving an ordinance establishing a Public Transportation Advisory Board.

Ron Hyde, 6656 Hovenkamp, stated the ordinance was not placed on the city web site for the public view; therefore this item should be tabled.

Due to the ordinance not presented to Councilmember's for their review, it was recommended the item would be tabled.

**MOTION:** A motion was made by Councilmember Goveas and seconded by Councilmember DeSoto to table. Motion carried by a vote of 4-0.

10. **APPROVE AN ORDINANCE AMENDING ANIMAL SHELTER ADVISORY BOARD ORDINANCE INCREASING MEMBERSHIP FROM TEN TO FOURTEEN MEMBERS-**

City Manager James Quin advised the following was for consideration to discuss and approve an ordinance amending the Animal Shelter Advisory Board Ordinance increasing the membership from ten (10) members to fourteen (14) members. This item was placed on the agenda by Mayor Ragan.

After discussion, it was decided Councilmember's would each appoint one citizen member. State law requires the Animal Shelter board also consist of the following voting members: one (1) Licensed Veterinarian; one (1) Welfare Organization member; one (1) Animal Control Officer; and one (1) Municipal Officer.

Councilmember's also requested two alternate members for this board.

Therefore this board would consist of five (5) citizen members; four (4) State mandated members, and two (2) alternates.

A request was made to direct the City Attorney to draft an ordinance to reflect the changes.

11. **DISCUSS AND CONSIDER ADOPTING AN ORDINANCE REVOKING THE CITY'S PREVIOUSLY ADOPTED POLICY ON SPONSORSHIP, GIFTS, DONATIONS AND ADVOCACY-**

City Manager James Quin advised the following is for consideration to discuss and consider adoption of an ordinance deleting Section 2-130 of Article IV of Chapter 2 of the Richland Hills City Code to delete the previously adopted "Policy on Sponsorship, Gifts, Donations and Advocacy.

Councilmember Goveas stated he would like to change the ordinance to allow sponsorship on behalf of city events.

City Attorney Sralla stated the current ordinance can be temporarily suspended to accept donations for the City July 4th celebration.

**MOTION:** A motion was made by Councilmember Davis, and seconded by Councilmember Goveas to temporarily suspend the current Ordinance No. 1138-09 until the July 12th City Council meeting, in the best interest of the cities July 4th celebration. Motion carried by a vote of 4-0.

12. **DISCUSS AND CONSIDER REQUIRING ADVISORY BOARDS TO FOLLOW ADOPTED COUNCIL POLICY REGARDING SUBMISSION OF AGENDA ITEMS AND MINUTES-**

City Manager James Quin advised this item was for consideration to discuss and approve requirement of advisory boards, commissions and committees to follow Council adopted policy of submitting complete items, including minutes, for Council consideration by the Wednesday prior to the City Council meeting date. This item was placed on the agenda by Mayor Ragan.

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

13. **APPROVE FISCAL YEAR 2011-2012 CRIME CONTROL AND PREVENTION DISTRICT BUDGET-**

City Manager James Quin advised the Crime Control and Prevention District Board of Directors will consider discussing and approving the Fiscal Year 2011-12 Crime Control and Prevention District Budget.

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

14. **CONSIDER DISCUSSING AND REVIEWING BIDS RECEIVED FOR THE REPLACEMENT OF THE EXTERIOR WALLS OF THE LIBRARY-**

City Manager James Quin advised this item was for consideration to discuss and review bids received for the replacement of the exterior walls of the Library which Council approved as a capital project as part of the FY 2011-11 Budget.

Michael Barnerd, architect with LBL Architects, briefed Councilmember's on the bids received for the repair of the exterior walls of the Library.

No action taken.

15. **SCHEDULE HEARING REGARDING FY 2010-11 PROPOSED BUDGET AMENDMENT-**

City Manager James Quin advised this item was for consideration to discuss and approve the scheduling of a public hearing for 7:00 P.M., Tuesday, July 12, 2011 regarding a proposed amendment to the FY 2010-11 Budget to support a contract totaling $132,366 to replace the exterior walls of the Library.

**MOTION:** A motion was made by Councilmember Head, and seconded by

Councilmember DeSoto to approve. Motion carried by a vote of 4-0.

16. **CONSIDER SUSPENDING DRINKING FOUNTAIN BUILDING AND PLUMBING CODE REQUIREMENT FOR COMMERCIAL PROPERTIES-**

City Manager James Quin advised this item was for consideration to discuss and approve suspension of drinking fountain building and plumbing code requirement for commercial properties with an occupancy capacity of fifty-one (51) people or less.

Ron Hyde, 6656 Hovenkamp, spoke in opposition to this item.

Matt Shaffstall, Economic Development Specialist, briefed Councilmember's on the complaints received from business owners regarding the requirement for a drinking fountain for commercial properties.

City Manager James Quin recommended a sixty (60) day suspension on this item.

**MOTION:** A motion was made by Councilmember Head, and seconded by Councilmember DeSoto to suspend for sixty (60) days to direct this item for further discussion to the Planning and Zoning and Economic Development Specialist. Motion carried by a vote of 4- 0.

17. **CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING INSTITUTION OF AN EMINENT DOMAIN ACTION BY THE FORT WORTH TRANSPORTATION AUTHORTIY AGAINST RICHLAND INDUSTRIAL RAIL, INC.-**

City Manager James Quin advised this item was for consideration to discuss and consider action on a proposed resolution under Texas Transportation Code section 4520059 approving the institution of an eminent domain action by the Fort Worth Transportation Authority to acquire property described as approximately 0.045 acres of land located near the intersection of Burns Street and Handley Ederville Road owned by Richland Industrial Rail, Inc., for increased parking, passenger safety and traffic flow at Handley Ederville Road, specifically, the realignment of Burns Street, such action to be brought against Richland Industrial Rail, Inc., and any other owners of such property, and determining that the acquisition of the property at issue is a public necessity and that the property interest is necessary for public use.

Carrie Caloway, Fort Worth Transportation Authority, briefed Councilmember's on the property described, and stated the FWTA is ready to move forward with this action.

**MOTION:** A motion was made by Councilmember Davis, and seconded by Councilmember Goveas to approve. Motion carried by a vote of 4-0. **Res. 380-11**

18. **CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING INSTITUTION OF AN EMINENT DOMAIN ACTION BY THE FORT WORTH TRANSPORTATION AUTHORITY AGAINST E.L. BAKER, JR., LIMITED-**

City Manager James Quin advised this item was for consideration to discuss and consider action on a proposed resolution under Texas Transportation Code section 452.059 approving the institution of an eminent domain action by the Fort Worth Transportation Authority to acquire property consisting of multiple lots consisting of approximately 1.81 acres of land located at and near the intersection of Burns Street and Handley Ederville Road, more particularly described as all or portions of lots 26 through 31 and Lot 43, Richland Industrial Park, for increased parking, passenger safety and traffic flow at Handley Ederville Road, specifically, the realignment of Burns Street, such action to be brought against E.L. Baker, Jr., Limited and any other owners of such property, and determining that the acquisition of the property at issue is a public necessity and that the property interest is necessary for public use.

**MOTION:** A motion was made by Councilmember Davis, and seconded by Councilmember DeSoto to approve. Motion carried by a vote of 4- 0. **Res. 381-11**

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

Any Councilmember may remove any item from the Consent Agenda for separate discussion and action at this time.

20. **CONSENT AGENDA-**

A) Approval of Tuesday, June 14, 2011, Regular Meeting Minutes; Approval of June 16, 2011; and Thursday, June 23, 2011, Special Meeting Minutes.

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

21. **REPORTS/COMMENTS-**

Beverly Williams, 7112 Richlynn
Ron Hyde, 6656 Hovenkamp
Debbie Fritz, 7138 Maple Park Dr.

22. **EXECUTIVE SESSION-**

There was no Executive Session this evening.

23. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 8:37 P.M.

| **ATTEST** | **APPROVED** |
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| Linda Cantu<br>City Secretary | David Ragan<br>Mayor |