MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JULY 26, 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 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
Edward Lopez, Place 5	Mayor Pro Tem
Roland Goveas, Place 1	Councilmembers
Kenney Davis, Place 2	
Robert DeSoto, Place 3	
Ricky Head, Place 4	
James W. Quin	City Manager
Linda Cantu	City Secretary
Tim Sralla	City Attorney

with the following members absent: Ricky Head, 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 Mark Hancock, Pastor at First United Methodist Church.

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

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

Beverly, Williams, 7112 Richland Rd., requested a change to the Special Events Committee, allowing students to serve on that board.

Larry Marrs, 7166 Richland Rd., addressed the ethics ordinance on the agenda for discussion tonight.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to move Item #16 for discussion at this time. Motion carried by a vote of 4- 0.

16. **CONSIDER RECOGNIZING YOUTH WHO PARTICIPATED IN CITY FOURTH OF JULY CELEBRATION AND PRESENT CERTIFICATES OF APPRECIATION-**

Mayor Ragan recognized youth who participated in Richland Hills Fourth of July Celebration and presented certificates of appreciation for their effort.

4. **COUNCIL APPOINTED BOARDS-**

Mayor Ragan stated the Animal Shelter Advisory Board and Crime Prevention Advisory Board are currently not available for appointments.

MOTION: A motion was made by Mayor Ragan, and seconded by Councilmember DeSoto to appoint Bill Agan to the Charter Review Committee. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to appoint LaRue Wall to the Charter Review Committee. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Lopez to appoint Jeff Ritter to the Charter Review Committee. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to appoint Loyce Greer to the Charter Review Committee. Motion carried by a vote of 4-0.

5. **CALL PUBLIC HEARING REGARDING APPROVAL OF FISCAL YEAR 2011-12 CRIME CONTROL AND PREVENTION DISTRICT BUDGET-**

City Manager James Quin advised this item was for consideration to call a public hearing for 7:00 P.M., Tuesday, August 9, 2011, regarding the approval of the Fiscal Year 2011-12 Crime Control and Prevention District Budget as recommended by the Board of Directors.

MOTION: A motion was made by Councilmember Davis, and seconded by

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

6. **SCHEDULE TOWN HALL MEETING REGARDING FISCAL YEAR 2011-12 PROPOSED BUDGET-**

City Manager James Quin advised this item was for consideration to discuss and schedule a Town Hall Meeting regarding the Fiscal Year 2011-12 Proposed Budget for 7:00 P.M., Thursday, August 4, 2011.

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

7. **APPROVE ORDINANCE AMENDING CHAPTER 11, THE "UTILITIES" CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF RICHLAND HILLS, TEXAS, CLARIFYING THAT THE FIRST USE OF THE $8.17 CHARGE ON THE WATER BILL SHALL FIRST BE USED TO PAY THE COMBINATION TAX AND WATER AND SEWER REVENUE CERTIFICATES OF OBLIGATION, SERIES 1998-**

City Manager James Quin advised this item was for consideration to discuss and approve an ordinance amending Chapter 11, the "UTILITIES" Chapter of the Code of Ordinances of the City of Richland Hills, Texas, by the addition of a sentence clarifying that the first use of the monthly charged mandated by an EPA Administrative Order of $8.17 upon all wastewater customers shall first be used to pay the Combination Tax and Water and Sewer Revenue Certificates of Obligation, Series 1998, as long as said certificates are outstanding.

Doug Whitt, representative with Southwest Securities, briefed the Councilmember's regarding the amendment to Chapter 11.

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

8. **DISCUSS OPTIONS REGARDING FINANCING WASTEWATER SYSTEM IMPROVEMENTS -**

City Manager James Quin advised this item was for consideration to discuss options for financing wastewater system capital improvements and authorizing Southwest Securities to proceed with a plan of finance.

Doug Whitt, representative with Southwest Securities, passed out a brief to the Councilmember's.

Mr. Whitt addressed:

- Bond Market Update
- Outstanding Debt Service by Funding Source
- WW & SS Fund Historical Statistics
- Preliminary Financing Analysis
- Preliminary Schedule of Events
- Suggested Motion

Councilmember's indicated they would like to review the Financing Analysis and bring this back at a later date.

No action taken.

9. **DISCUSS CITY ATTORNEY ATTENDANCE AT BOARD MEETINGS-**

City Manager James Quin advised the following item was for consideration to discuss City Attorney attendance at advisory board and commission meetings and determine criteria when attendance of the City Attorney will not be required.

City Manager James Quin advised that the Chairpersons for the Planning and Zoning and Zoning Board of Adjustment indicated from time to time, the City Attorney's attendance is not needed at the meetings. Mr. Quin advised there may be some liability might occur that might put the city at risk; therefore the item is presented to the Councilmember's for their decision.

City Attorney Sralla stated Planning and Zoning Commission issues come before Council, so there is an opportunity to correct the vast majority. The only other issue that may occur would be if the Planning and Zoning Commission does not act in a prompt fashion. There may be some instances where Planning and Zoning is working on an ordinance, and would require his attendance.

Councilmember's requested Mr. Sralla coordinates with the Chair of the Planning and Zoning Commission and determine whether his presence is required at the meetings.

Mr. Sralla further stated the Zoning Board of Adjustment is a quasi judicial body, his attendance at the meetings are representing the city not the Zoning Board of Adjustment. Mr. Sralla stated it is important to have city representation at the meetings, because they are contested cases and could result in litigation. If a policy is being discussed at the ZBA meetings, the City Attorney's presence is not required.

Councilmember Davis stated one hundred percent of the time, a case is being discussed, and therefore the City Attorney should be present.

Councilmember's requested the City Attorney coordinate with the Chair of the Zoning Board of Adjustment and use his discretion as to whether his attendance is needed at the Zoning Board of Adjustment meetings.

10. **APPROVE AWARD OF CONTRACT FOR DEMOLITION OF STRUCTURE AT 7064 DOVER LANE-**

City Manager James Quin advised this item was for consideration to discuss and approve an award of contract for Base Bid ($21,855), Alternate 1 ($5,800 and Alternate 2 ($6,509) to Garrett Demolition to demolish and dispose of a structure at 7064 Dover Lane, remove and dispose of live and dead trees and install wood and chain link fencing.

Michael Barnes, Public Works Director, stated the cost for the asbestos removal is the responsibility of the city.

Councilmember Goveas requested the City Attorney speak to the insurance company and report back to Councilmember's.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember DeSoto to table this item to the next meeting and request City Attorney to speak with the insurance company and present Report to Councilmember's. Motion carried by a vote of 4-0.

11. **CONSIDER DIRECTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE AMENDING CITY'S PREVIOUSLY ADOPTED OFFICIAL CORRESPONDENCE POLICY-**

City Manager James Quin advised the following was for consideration to discuss amending Section 2-131 of the City Code regarding previously adopted Official Correspondence Policy which was developed by a source outside the City Attorney's Office and directing the City Attorney to prepare an ordinance amendment for approval at the next City Council Meeting. This item was placed on the agenda by Mayor Ragan.

Larry Marrs, 7166 Richland Rd., spoke regarding the need to have a correspondence policy in place, as there was not one with the city at the time this policy was passed. Mr. Marrs further stated the need to have a policy in place is prudent responsibility.

Mayor Ragan stated the policy was drafted by the City Manager and reviewed by the City Attorney for legality. Mayor recommended the ordinance rescinded.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to request the City Attorney to prepare an ordinance to revoke this ordinance. Motion carried by a vote of 3-1.

12. **CONSIDER AND DISCUSS DEVELOPMENT OF A PROPOSED ORDINANCE ESTABLISHING A VACANT PROPERTY REGISTRATION REQUIREMENT FOR VACANT RESIDENTIAL AND COMMERCIAL STRUCTURES-**

City Manager James Quin advised the following was for consideration to discuss developing a proposed ordinance establishing a requirement for vacant property registration, possibly including establishing standards for insurance, security and maintenance and providing for inspections and appropriate fees. This item was placed on the agenda by Councilmember Goveas.

Councilmember Goveas requested vacant property registration should be established in the city to possibly including establishing standards for insurance, security and maintenance and providing for inspections and appropriate fees. The registration would be reviewed every six (6) months.

City Attorney Sralla stated this is a very broad request and would need more information from Councilmember Goveas. Mr. Sralla suggested he confer with Councilmember Goveas for more details regarding his request for this ordinance. An ordinance would be brought forward at a later date.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Davis to request the City Attorney to coordinate with Councilmember Goveas for more details and would present an ordinance at a later date. Motion carried by a vote of 4-0.

13. **CONSIDER AND DISCUSS ESTABLISHING AN AD HOC COMMITTEE TO EVALUATE TECHNOLOGY OPTIONS FOR THE CITY-**

City Manager James Quin advised this item was for consideration to discuss establishing an ad hoc committee to evaluate technology options for the City and advertising for applicants on the City website. This item was placed on the agenda by Councilmember Head.

Councilmember Goveas stated he would address this for Councilmember Head. The purpose is to establish a website committee, and to update the city website to current status.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to establish a web site committee, including Staff members. Motion carried by a vote of 4-0.

14. **CONSIDER DIRECTING STAFF TO EVALUATE CABLE TELEVISION FORMAT INCLUDING SOUND AND PRESENTATION-**

City Manager James Quin advised this item was for consideration to discuss and approve placement of information article described under Agenda Item Number 12 on City Website. This item was placed on the agenda by Council Member Marrs.

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Davis, to direct staff to research this project and present a report to Councilmember's. Motion carried by a vote of 4-0.

15. **CONSIDER INVESTIGATING OPTIONS TO RENOVATE AND REPAIR CITY-OWNED PROPERTY LOCATED AT 3280 DIANA DRIVE-**

City Manager James Quin advised this item was for consideration to discuss and direct the City Staff to investigate options to renovate, rehabilitate and repair city-owned property located at 3280 Diana Drive. This item was added to the agenda by Councilmember Goveas.

Councilmember's recommended City staff investigates all options to renovate, rehabilitate and report the cost to repair the property at 3280 Diana Drive.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to direct staff to research this project and present a report to Councilmember's. Motion carried by a vote of 4-0.

17. **CONSIDER DISCUSSING TEEN COURT ADVISORY BOARD BYLAWS AND FUTURE GOALS FOR YOUTH OF RICHLAND HILLS-**

City Manager James Quin advised this item was for consideration to discuss Teen Court Advisory Board Bylaws and future goals for city youth. This item was added to the agenda by Councilmember Lopez.

Beverly Williams, 7112 Richland Rd., requested the Teen Court Advisory Board bylaws changed to reflect private school students.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Goveas to direct staff to review and update the Bylaws for Teen Court Advisory Board. Motion carried by a vote of 4-0.

18. **CONSIDER REVIEWING ETHICS ORDINANCE IN CONTRAST WITH CITY CHARTER AND AMEND ORDINANCE IF REQUIRED-**

City Manager James Quin advised this item was for consideration to discuss Ethics Ordinance in contrast with City Charter and amend subject ordinance if required. This item was added to the agenda by Councilmember Lopez.

Larry Marrs, 7166 Richland Rd., voiced his concern on the need to have an Ethics Ordinance in place.

Councilmember Lopez advised the City Charter addresses the ethics and also the State Codes that governs the cities ethical behavior. He feels this is adequate for the city and would like to revoke the current ordinance.

Councilmember Goveas feels the Charter Review Committee will address and add any language to the ethics section if needed.

Councilmember Davis stated he was a part of the Ethics Ordinance that was put in place. Mr. Davis said he help put this ordinance in place to hold himself to a certain standard.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to revoke this ordinance. Motion carried by a vote of 3-1.

19. **CONSIDER REVIEWING TRAVEL POLICY 363-10 IN COMPARISON WITH CITY CHARTER REQUIREMENTS-**

City Manager James Quin advised this item was for consideration to discuss reviewing Travel Policy 363-10 in comparison with City Charter requirements and amend subject policy if required. This item was added to the agenda by Councilmember Lopez.

Larry Marrs, 7166 Richland Rd., commented regarding the Travel policy that was put in place due to the tight resources with the city.

Councilmember Lopez stated the City Charter allows Councilmember's approval to submit travel expenses. He further stated he feels the current ordinance is too restrictive.

Councilmember Goveas agreed the ordinance should be revoked.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to revoke the ordinance. Motion carried by a vote of 4- 0.

20. **CONSIDER REVIEWING POLICY 1140-09 REGARDING CITY COUNCIL APPROVAL OF EXPENSE FOR LEGAL OPINION-**

City Manager James Quin advised this item was for consideration to discuss reviewing Policy 1140-09 regarding requiring City Manager to obtain prior approval from the City Council before incurring certain City Attorney expenses for legal opinions. This item was added to the agenda by Councilmember Lopez.

Councilmember Lopez stated this ordinance is too restrictive, and feels if the City Manager needs the City Attorney's opinion, he should be able to consult with the Attorney without prior approval.

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

21. **CONSIDER CEASING FUTURE FUNDING OF LEGAL EXPENSES FOR FORMER COUNCILMEMBER MARRS-**

City Manager James Quin advised this item was for consideration to discuss ceasing future funding of legal expenses for former Councilmember Larry Marrs regarding State Ethics Commission complaint. This item was added to the agenda by Councilmember Lopez.

David White, 7008 Hovenkamp, stated he requested an update of legal fees for Mr. Marrs, but was never given the report.

Councilmember Lopez stated he did not know what obligations the current Councilmember's had at this point.

Larry Marrs, 7166 Richland Rd., stated the outcome of the complaint filed against him has not been finalized. Mr. Marrs stated he represented the City, and diligently followed the advice of the City Attorney, which is why the City Attorney could not represent him. He further stated his request would be for the city to cover the expenses through the final issuance of the opinion. If the opinion is negative, then he accepts the expenses. If it's not, then the city has done their responsibility by defending an elected official against a frivolous complaint.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Lopez to table this item to the August 9th meeting. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to move item #22 after Item #26. Motion carried by a vote of 4-0.

23. **REMOVAL OF CONSENT AGENDA ITEMS**

There were no items removed from the consent agenda for individual consideration.

24. **CONSENT AGENDA --**

City Manager James Quin presented the consent agenda as follows:

A) Approval of Tuesday, July 12, 2011, Regular Meeting Minutes;

MOTION: A motion was made by Mayor Pro Tem Kenney Davis, and seconded by Councilmember Goveas to approve with corrections to minutes. The motion carried by a vote of 4-0.

25. **PUBLIC INPUT OR PUBLIC COMMENTS**– Public.

David White, 7008 Hovenkamp, reconsider car allowances for employees.
Travis Malone, 3106 Elm Park,
Debbie Fritz, 7138 Maple Park, spoke in support of Item numbers 10, 11 and 15.
David Williams, 7112 Richland Rd., spoke regarding Item number 10.

26. **COUNCIL MEMBER ANNOUNCEMENTS/COMMENTS-**

Mayor Ragan reported on the progress being made regarding city drainage improvements.

Mayor Ragan commented on the Baker Blvd., detention pond progress. The project should be completed by October-November, 2011.

Mayor Ragan passed out a flyer regarding the TML Conference in Houston in October.

22. **CONSIDER REVIEWING WITH CITY MANAGER AND CITY ATTORNEY OPTIONS FOR IMPROVEMENT TO CITY ORGANIZATIONAL STRUCTURE-**

Manager James Quin advised this item was for consideration to discuss and review with City Manager and City Attorney options for improvement to City organizational structure. This item was added to the agenda by Councilmember Goveas.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to discuss Item #22 in Executive Session. Motion carried by a vote of 4-0.

27. EXECUTIVE SESSION

Mayor Ragan announced an Executive Session at 9:25 P.M. City Attorney Tim Sralla read the following 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.

Chapter 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 be City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.

Mayor Ragan reconvened to Regular Session at 9:39 P.M.

No action was taken.

28. ADJOURNMENT

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 9:40 P.M.

ATTEST **APPROVED**

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Linda Cantu
City Secretary

David Ragan
Mayor