MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
DECEMBER 19, 2011

Mayor Ragan called the Regular City Council meeting to order at 8:00 p.m., in the Council Chambers of the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.

David L. Ragan	Mayor
Roland Goveas, Place 1	Councilmembers
Kenney Davis, Place 2	
Robert DeSoto, Place 3	
Ricky Head, Place 4	
Edward Lopez, Place 5	
James W. Quin	City Manager
Linda Cantu	City Secretary
Wayne Olson	City Attorney

with the following members absent: none, 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 Mayor Ragan.

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

3. **CONDUCT PUBLIC HEARING REGARDING APPROVAL OF AN ORDINANCE AMENDING SECTION 90-51 OF CHAPTER 90 OF THE CITY CODE, ZONING ORDINANCE, MODIFYING ZONING BOARD OF ADJUSTMENT PROVISIONS–**

A) Conduct public hearing regarding amending Chapter 90, of the City Code, Comprehensive Zoning Ordinance, specifically including proposed amendment to Section 90-51, to modify the provisions regarding the organization of the Zoning Board of Adjustment, including the number of members, the method and times of appointment, the terms of office, and the filling of vacancies; and

B) Approve ordinance amending Chapter 90, of the City Code, Comprehensive Zoning Ordinance, specifically including proposed amendment to Section 90-51, to modify the provisions regarding the organization of the Zoning Board of Adjustment, including the number of members, the method of times of appointment, the terms of office, and the filling of vacancies.

Mayor Ragan opened the public hearing.

OPPOSE: Larry Marrs, 7166 Richland Rd.
Martha Strain, 3663 Popplewell
Horace Hamilton, 7517 Hovenkamp

SUPPORT: Beverly Williams, 7112 Richland Rd.
David White, 7008 Hovenkamp

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Goveas to approve. Motion was denied by a vote of 2 ayes and 3 nays.

4. CO**UNCIL APPOINTED BOARDS-**

At this time, the City Council considered resignations and appointments to the City's boards, commissions and committees.

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember DeSoto, that Don Acker is the proper member to Zoning Board of Adjustment, Place 5, and appoint Sanjay Mathew as an alternate, effective December 19, 2011. Motion carried by a vote of 5-0.

MOTION: A motion was made by Mayor Ragan, and seconded by Councilmember Davis to appoint Toya Norton to the Special Events Committee, Place 6. Motion carried by a vote of 5-0.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to appoint Jeremy Hill as an Alternate to the Special Events Committee. Motion carried by a vote of 5-0.

A motion was made to move Item #10 for discussion at this time.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember DeSoto to move Item #10 for discussion at this time. Motion carried by a vote of 5-0.

10. **APPROVE AWARD OF CONTRACT TO INDEPENDENT AUDIT FIRM TO PERFORM CITY AUDIT SERVICES–**

City Manager James Quin advised the following item was for consideration to discuss and approve an award of contract for the amount of $29,950 (first year); $30,500 (second year) and $31,450 (third year) to the independent audit firm of Patillo, Brown & Hill for the provision of audit services. This item was tabled at Council's Tuesday, December 13, 2011 Regular Meeting.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Davis to approve a three (3) year contract with a two (2) Year option. Motion carried by a vote of 5-0.

5. **CONDUCT PUBLIC HEARING REGARDING APPROVAL OF AN ORDINANCE AMENDING SECTION 90-4 "DEFINITIONS" OF CHAPTER 90 OF THE CITY CODE, ZONING ORDINANCE-**

A) Conduct public hearing regarding amending Chapter 90-4, "Definitions" of Chapter 90 of the City Code, the Richland Hills Comprehensive Zoning Ordinance, to amend the definition of the term "vehicle" to include trailers of all types, not just trailers that are designed to transport persons or property, by removing the language "any person or property is or" from said definition, and

B) Approve ordinance amending Section 90-4, "Definitions" of Chapter 90 of the City Code, the Richland Hills Comprehensive Zoning Ordinance, to amend the definition of the term "vehicle" to include trailers of all types, not just trailers that are designed to transport persons or property, by removing the language "any person or property is or" from said definition.

Mayor Ragan opened the public hearing.

Larry Marrs, 7166 Richland Rd., spoke in support.

Rick Hodges, 7124 Oak Park, voiced his opposition.

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

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Head to approve. Motion carried by a vote of 3-0.

6. **CONDUCT PUBLIC HEARING REGARDING APPROVAL OF AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, ZONING ORDINANCE, CHANGING CLASSIFICATION OF PROPERTY FROM C-2 TO PLANNED UNIT DEVELOPMENT-**

A) Conduct public hearing regarding amending Richland Hills Zoning Ordinance, Chapter 90 of the City Code, to change the classification of certain property located at Block 86, Lots 3R1, 3R2, 3R3, and 3R4 of the Richland Hills Addition to the City of Richland Hills, which property is generally located at the northeast corner of the intersection of Norton and Baker Boulevard, which application seeks to change the zoning on such property from the C-2 Commercial District to a Planned Unit Development District, to allow for the operation of a business which offers the commercial sale and rental of signs, barricades and related equipment and trailer, and the storage, parking and minor maintenance of fleet vehicles and trailers, and to establish all pertinent regulations for such Planned Development District, including but not limited to permitted uses, fencing, landscaping, setbacks (Buyers Barricade, Inc.) and

B) Approve ordinance amending Richland Hills Zoning Ordinance, Chapter 90 of the City Code, to change the classification of certain property located at Block 86, Lots 3R1, 3R2, 3R3 and 3R4 of the Richland Hills Addition to the City of Richland Hills, which property is generally located at the northeast corner of the intersection of Norton and Baker Boulevard, which application seeks to change the zoning on such property from the C-2 Commercial District to a Planned Development District, to allow for the operation of a business which offers the commercial sale and rental of signs, barricades and related equipment and trailers, and the storage, parking and minor maintenance of fleet vehicles and trailers, and to establish all pertinent regulations for such Planned Development District, including but not limited to permitted uses, fencing, landscaping, setbacks (Buyers Barricade, Inc.).

Mayor Ragan opened the public hearing.

OPPOSITION: Beverly Williams, 7112 Richland Rd.
David White, 7008 Hovenkamp
Phil Armstrong, 7400 Bridges

SUPPORT: Larry Marrs, 7166 Richland Rd.
Martha Strain, 3663 Popplewell
Malcolm Jackson, 3528 Labadie Dr.

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

There was general discussion among Council Members.

Mr. Buyer, owner of Buyers Barricade, Inc., briefed Councilmember's on the fencing he plans to have installed and the construction of the building, stating the façade will be similar to the buildings near Faith Creek and Baker Blvd., and the City Animal Shelter.

Planning and Zoning voted 2 to 1 to approve this ordinance at their meeting this evening.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember DeSoto to approve. Motion carried by a vote of 3-2.

7. **CONDUCT PUBLIC HEARING REGARDING REQUEST TO REZONE PROPERTY-**

City Manager James Quin advised this item was for consideration:

A) Conduct public hearing regarding request to rezone Lot 11B, Block H, of the Richland Hills Addition, 6560 and 6556 Davidson Street from General Commercial District (C-2) to Single Family Residential (R-1) and 6552 and 6548 Davidson Street from Single Family Duplex (R-2) to Single Family Residential District (R-1); and

B) Approve request to rezone Lot 11B, Block H, of the Richland Hills Addition, 6560 and 6556 Davidson Street from General Commercial District (C-2) to Single Family Residential (R-1) and 6552 and 6548 Davidson Street from Single Family Duplex (R-2) to Single Family Residential District (D-1).

Mayor Ragan opened the public hearing.

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

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember Goveas to approve. Motion carried by a vote of 5-0.

8. **APPROVE SPECIAL USE PERMIT REQUEST TO OPERATE A NEW AND/OR USED AUTO SALES BUSINESS AT 7269 GLENVIEW DRIVE-**

City Manager James Quin advised this item was for consideration to discuss and approve a Special Use Permit request to operate a New and/or Used Auto Sales business (MetCar Investments) in General Commercial District (C-2) on property located at 7269 Glenview Drive.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to approve. Motion carried by a vote of 4-0, with Councilmember Goveas abstaining due to his business within close proximity to MetCar.

9. **APPROVE LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG)-**

City Manager James Quin advised this item was for consideration to discuss and approve LPAFA with TXDOT and NCTCOG regarding improvements to three intersections on Baker Boulevard at Rufe Snow Drive, Handley Ederville Road and Booth Calloway Road at a total project cost of $3,534,428.88 such cost allocated between federal, county and city entities.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to table this item to the January 24, 2012 meeting. Motion carried by a vote of 5-0.

11. **CONSIDER ESTABLISHING SEPARATE FUND WITHIN ENTERPRISE FUND TO SET ASIDE MONEY FOR CERTAIN CAPITAL IMPROVEMENTS-**

City Manager James Quin advised this item was for consideration to discuss approving a separate fund with the Enterprise fund to specifically set aside money, including fund balance remaining from recently refinanced debt, for replacement of Big Fossil Creek Outfall line and water and sewer lines. This item was tabled at Council's Tuesday, December 13, 2011 Regular Meeting.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Head to approve. Motion carried by a vote of 5-0.

A motion was made to move Item #14 for discussion at this time.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to move Item #14 for discussion at this time. Motion carried by a vote of 5-0.

14. **APPROVE PURCHASE OF COMPUTER AND FUNDING OF WEBSITE DESIGN PROJECT-**

City Manager James Quin advised this item was for consideration to discuss and approve purchase of computer and funding of the website design project. This item was placed on the agenda by Council Member Goveas.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to approve up to $30,000.00. Motion carried by a vote of 5-0.

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

None

16. **EXECUTIVE SESSION**

At 9:50 P.M., Mayor Ragan announced an Executive Session, Section 551.071 Consultation with Attorney, particularly, 1) amending an oil and gas lease entered into on August 3, 2005 by and between the City of Richland Hills and Four Sevens Oil Company. Ltd. And subsequently revived, amended and assigned to Chesapeake Exploration. LLC, as successor in interest to Chesapeake Exploration LP, and Total E&P USA, Inc., a memorandum of said lease is filed of record with the Tarrant County Clerk's office as instrument #D205248763, with a corrected property description filed of record as instrument #: D205295001 and 2) subsequently amended and filed of record as instrument #: D208297704, D209139096, and D210003598, in order to amend the pooling provisions of said lease and an offer by Chesapeake Exploration, LLC to lease approximately 12.187 acres of City of Richland Hills owned minerals out of the George Akers Survey, Abstract 30, Tarrant County, Texas; and notice of intent to appear in protest of Railroad Commission Rule 37 Case No. 0272674, Permit No. 713704; and Section 551.074: Deliberation regarding Personnel Matters.

Mayor Ragan reconvened in open session at 10:26 p.m.

12. **CONSIDER DISCUSSING AND APPROVING AMENDING LEASE AGREEMENT WITH FOUR SEVENS OIL COMPANY AND SUCCESSOR IN INTEREST CHESAPEAKE EXPLORATION LP AND TOTAL E&P USA, INC.-**

City Manager James Quin advised the following was for consideration to discuss and approve amending an oil and gas lease entered into on August 3, 2005, by and between the City of Richland Hills and Four Sevens Oil Company, Ltd., and subsequently revived, amended and assigned to Chesapeake Exploration, LLC, as successor in interest to Chesapeake Exploration LP, and Total E&P USA, Inc. a memorandum of said lease is filed of record with the Tarrant County Clerk's office as Instrument #D205248763, with a corrected property description filed of record as instrument #: D205295001, and subsequently amended and filed of record as instrument #D208297704, D209139096, and D210003598, in order to amend the pooling provisions of said lease. This item was tabled at Council's Tuesday, December 13, 2011 Regular Meeting.

13. **CONSIDER DISCUSSING AND APPROVING AN OFFER BY CHESAPEAKE EXPLORATION, LLC TO LEASE CITY PROPERTY–**

City Manager James Quin advised the following was for consideration to discuss and approve and offer by Chesapeake Exploration, LLC to lease approximately 12.187 acres of City of Richland Hills owned minerals out of the George Akers Survey, Abstract 30, Tarrant County, Texas; and notice of intent to appear in protest of Railroad Commission

Rule 37 Case No. 0272674, Permit No. 713704. This item was tabled at Council's Tuesday, December 13, 2011 Regular Meeting.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember DeSoto to direct the City Manager to negotiate with Chesapeake as it relates to Items #12 and #13. Motion carried by a vote of 5-0.

17. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 10:27 P.M.

ATTEST

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Linda Cantu
City Secretary

APPROVED

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David Ragan
Mayor