MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JANUARY 10, 2012

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
Roland Goveas, Place 1	Council Members
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
Rob Allibon	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 Councilmember Robert DeSoto.

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

3. **PRESENTATIONS/RECOGNITION-**

A) Mayor Ragan to present five-year service award to Officer John R. Burkes, Jr., Firefighter/Paramedic, Fire Department.

City Manager James Quin advised Mr. Burkes was not able to attend the meeting. The presentation was moved to the January 24, 2012 Regular City Council meeting.

4. **COUNCIL APPOINTED BOARDS-**

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to accept the resignation from Michael Logan from Zoning Board of Adjustment. Motion carried by a vote of 5 to 0.

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Goveas to accept the resignation from Jean Spieker from Planning and Zoning Commission, Place 1. Motion carried by a vote of 5 to 0.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to accept the resignation from Ron Hyde from Planning and Zoning Commission, Place 5. Motion carried by a vote of 5 to 0.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Goveas to appoint Lisa Skier from Alternate to Regular Member on Planning and Zoning Commission, Place 5. Motion carried by a vote of 5 to 0.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Lopez to move Ron Hill from Alternate to Regular Member on the Zoning Board of Adjustment, Place 1. Motion carried by a vote of 5 to 0.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Lopez to appoint Athena Campbell to Planning and Zoning Commission, Place 1. Motion carried by a vote of 5 to 0.

5. **APPROVE AWARD OF CONTRACT REGARDING WATER DISTRIBUTION SYSTEM EVALUATION-**

City Manager James Quin advised the following was for consideration to discuss and approve an award of contract for the amount of $24,000 to the professional engineering firm Freese and Nichols Consulting Engineers to perform an evaluation of the city's water distribution system operation.

Michael Barnes, Public Works Director, and Ms. Brown with Freese and Nichols were present and available for questions.

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

Mayor Ragan commented on the absence of City Attorney Tim Sralla. The Mayor offered his condolences to Mr. Sralla, who was attending his father's funeral.

6. **APPROVE 37th YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECT PLANS AND SPECIFICATIONS-**

City Manager James Quin advised this item was for consideration to discuss and approve 37th Year Community Development Block Grant Program plans and specifications regarding reconstruction of portions of Henry Drive and Reeves Street and authorize staff to seek competitive sealed bids for the project.

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

7. **CALL PUBLIC HEARING REGARDING 38th YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-**

City Manager James Quin advised this item was for consideration to discuss and call a public hearing regarding the 38th Year Community Development Block Grant Program for 7:00 P.M., Tuesday, January 24, 2012.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to approve the Public Hearing for Tuesday, January 24, 2012. Motion carried by a vote of 5-0.

8. **CONSIDER APPROVING REAPPOINTMENT OF MUNICIPAL COURT JUDGE AND SUBSTITUTE JUDGES-**

City Manager James Quin advised the following item was for consideration to discuss and approve the reappointment of Municipal Court Judge J. Stewart Bass and Substitute Judges.

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

9. **CONSIDER APPROVING AN ORDINANCE AMENDING SCHEDULE OF FEES FOR BUILDING INSPECTIONS AND VACANT BUILDING INSPECTION-**

City Manager James Quin advised the following was to consider discussing and approving an ordinance amending the building inspection fees schedule and establishing fees for vacant building inspections.

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

10. **CONSIDER AMENDING REQUIREMENT OF 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 an amendment to the 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 Goveas, and seconded by Councilmember Head to approve all documents submitted 96 hours prior to the meeting and agendas submitted 72 hours prior to the meeting. If the documents are not submitted at the time of posting, they will be removed from the agenda. Motion carried by a vote of 5-0.

11. **CONSIDER APPROVING AN ORDINANCE AMENDING SIGN CODE REGULATIONS REGARDING OFF PREMISE SIGNS-**

City Manager James Quin advised this item was for consideration to discuss and approve an ordinance amending the sign ordinance to allow benches which advertise a public service to be exempt from the off premise sign provision of the sign code. This item was placed on the agenda by Mayor Ragan.

Martha Strain, 3663 Popplewell
Larry Marrs, 7166 Richland Rd.
Travis Malone, 3106 Elm Park

MOTION: A motion was made by Councilmember Head, and seconded by Councilmember DeSoto to take out the and/or a non-profit organization, make the grammar proper and add after approval of City Council. Motion carried by a vote of 5-0.

12. **CONSIDER DISCUSSING ENTERING INTO AN AGREEMENT TO LEASE CITY BUILDING TO THE "WE'RE ALL ABOUT THE DRESS" ORGANIZATION-**

City Manager James Quin advised this item was for consideration to discuss entering into an agreement to lease city building to the "We're All About the Dress" organization. This item was placed on the agenda by Councilmember DeSoto.

City Manager James Quin advised Councilmember's that Janie Wood contacted his office and requested this item removed from the agenda for discussion and consideration.

No action taken.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Davis to move Items #13 and #14 for discussion in Executive Session. Motion carried by a vote of 5-0.

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

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

16. **CONSENT AGENDA-**

A) Approval of Tuesday, December 13, 2011, Regular Meeting Minutes and Monday, December 19, 2011 Special Meeting Minutes.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Head to approve with correction to Item #5 from the December 19, 2011 minutes. Motion carried by a vote of 5-0.

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

Mayor Ragan commented on the employee holiday event held Friday, December 23, 2011.

18. **REPORTS/COMMENTS-** Public

Oliver Pettit, 7505 Hovenkamp
David White, 7008 Hovenkamp
Larry Marrs, 7166 Richland Rd.
Debbie Fritz, 7138 Elm Park
Travis Malone, 3106 Elm Park

19. **EXECUTIVE SESSION-**

Mayor Ragan announced an Executive Session at 7:54 p.m., in Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, 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; 2) subsequently amended and filed of record as instrument #D20829774, 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 3) seek advice regarding bond refinancing and legal responsibilities of financial advisors; and Section 551.076: Deliberation regarding Security Devices.

Mayor Ragan reconvened in open session at 8:46 p.m.

13. **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 this item 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.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Head to move this item to the February 14, 2012 meeting. Motion carried by a vote of 5-0.

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

City Manager James Quin advised this item was for consideration to discuss and approve an offer by Chesapeake Exploration, LLP 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.

MOTION: A motion was made by Councilmember Davis, and seconded by Councilmember Goveas to agree to accept a $5,000.00 per acre that Chesapeake is offering. Motion carried by a vote of 5-0.

20. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 8:54 P.M.

ATTEST

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Linda Cantu
City Secretary

APPROVED

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David Ragan
Mayor