MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
FEBRUARY 21, 2012

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.

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: 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 Councilmember Bob DeSoto.

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

3. **PRESENTATIONS/RECOGNITIONS-**

City Manager advised the following was for consideration to recognize and present award to the following:

A) Mayor Ragan presented twenty-year service award to Ms. Catherine Riegel, Water Systems Instrumentation Foreman, Public Works Department.

B) Mayor Ragan recognized First Semester “A” Honor Roll Students from Jack C. Binion Elementary School.

4. BOARD APPOINTMENTS, RESIGNATIONS AND REMOVAL-

City Manager James Quin advised the following was for consideration Appointments, resignations and removal of board and commission members, with or without cause, to the extent permitted without hearing by law.

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Lopez to accept the resignation from Gloria Dunaway from Crime Prevention Advisory Board, Place 3A. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember DeSoto, and seconded by Councilmember Davis to appoint Timothy Waller to the Crime Prevention Advisory Board, Place 3A. Motion carried by a vote of 4-0.

MOTION: A motion was made by Councilmember Lopez, and seconded by Councilmember Davis to remove Gerrit Spieker from Public Transportation Advisory Board. Motion carried by a vote of 4-0.

Councilmember Lopez stated the Chairman of Public Transportation Advisory Board (PTAB) sent an email with his concern regarding Mr. Spieker as a member of PTAB. Councilmember Lopez stated Mr. Spieker is known as a supporter of the PTAB that was the reason for his appointment board. Councilmember Lopez further stated that Mr. Spieker published and circulated throughout the city, a flyer stating some facts about the T that are questionable. Councilmember Lopez stated he felt Mr. Spieker used poor judgment expressing his view, and that is the reason for his removal from the Public Transportation Advisory Board.

5. HEAR PRESENTATION OF MR. OLIVER PETTIT REGARDING FUND RAISING FOR BUILDING AT KATE BAKER PARK-

City Manager James Quin advised the following was for consideration to hear and discuss presentation of Mr. Oliver Pettit regarding fund raising regarding building at Kate Baker Park. This item was tabled at Council's Tuesday, February 7, 2012 Regular Meeting.

Oliver Pettit, requested permission to solicit private donations to construct a building on city owned property located at Kate Baker Park. Mr. Pettit outlined the benefits of having a log cabin built with donated monies.

City Attorney Wayne Olson stated as with any piece of property the city owns, whenever you place a building or any kind of improvement on city owned property, you are responsible to make sure that it is safe. Any building constructed on city owned property needs to be constructed according to city and state codes, and is properly maintained and safe for use. The city is liable if someone is injured on the premises that the city owns, so

you need to make sure that you have insurance coverage to protect against liability. Most importantly you need to make sure the building is properly constructed and properly maintained at all times to reduce the risk of injury should that occur.

Councilmember Goveas asked the City Attorney how long the city would be obligated to maintain the funds before refunding, if there were not sufficient donations collected to construct the building.

The City Attorney recommended the city stay free from the donation aspect of the collection of donated funds. Make an agreement with the organizer of this project, that if and when the funds are available to do this project, they would be accepted by the city at that time. Mr. Olson recommended that the city not put its stamp on the donation of funds or holding of any funds, as the city does bear responsibility if the funds were collected for the city to utilize for that purpose.

There were other questions from Council, and the City Attorney felt this needed further discussion.

No action taken.

6. **APPROVE RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO 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 the following was for consideration to discuss and approve resolution authorizing the Mayor to enter into LPAFA with TXDOT and NCTCOG regarding the reconstruction of three intersections on Baker Boulevard (SH 183) at Rufe Snow Drive, Vance Road/Ash Park Drive and Handley Ederville Road.

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

7. **APPROVE RESOLUTION SUSPENDING MARCH 6, 2012 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE-**

City Manager James Quin advised the following item was for consideration to discuss and approve resolution suspending the March 6, 2012 effective date of Atmos Energy Corp., Mid-Tex Division requested rate change to permit the city time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee and other cities in the Atmos Mid-Tex Service area to hire legal and consulting services and to negotiate with the company.

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

8. **APPROVE ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY-**

City Manager James Quin advised the following was to consider and discuss approving an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successor and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Richland Hills, Tarrant County, Texas, for the transportation, delivery, sale and distribution of gas in, out of and through said city; providing for the payment of a fee or charge for the use of public rights-of-way and providing that such a fee that shall be in lieu of certain other fees and charges.

City Attorney stated this is a renewal of the city's franchise with Atmos gas. The term is no less than 10 years, it expires in 2021. It does have an option to renew for an additional two (2) five-year terms. The first payment will be paid to the City on April 1st, which is a 4% franchise fee, and each payment will be due every year after that on April 1st.

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

9. **APPROVE RESOLUTION AGREEING TO MEETING ALL MATCHING CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER TARRANT COUNTY HOME PROGRAM-**

City Manager James Quin advised the following was to consider discussing and approving a resolution agreeing to meet all match contribution requirements for the expenditures under the Tarrant County Home Investment Partnership Program for Program Year 2012 at a match of thirty (30) percent.

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

10. **CONSIDER APPROVAL OF RESOLUTION SUPPORTING MUNICIPAL SETTING DESIGNAION APPLICATION OF FIVE STAR FORD AND QUIK TRIP CORPORATION FOR PROPERTY LOCATED AT SOUTHWEST CORNER OF RUFE SNOW DRIVE AND N.E. LOOP 820-**

City Manager James Quin advised the following was for consideration to discuss and approve resolution in support of the application of Five Star Ford and Quik Trip

Corporation to the Texas Commission on Environmental Quality for a Municipal Setting Designation for property located at the southwest corner of N.E. Loop 820 and Rufe Snow Drive, North Richland Hills, Texas.

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

11. **APPROVE AWARD OF CONTRACT TO OVERLAND SERVICES REGARDING 37th YEAR CDBG PROGRAM-**

City Manager James Quin advised the following is for consideration to discuss and approve 37th Year CDBG award of contract, Base Bid B, for the amount of $88,529 to Overland Services to construct pavement and curb and guttering improvements to Reeves Street and Henry Drive.

Michael Barnes, Public Works Director, stated this is the 37th Year CDBG project. This will be a three year project, to construct pavement and curb and guttering improvements to Reeves Street and Henry Drive.

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

12. **APPROVE FY 2011 ASSISTANCE TO FIREFIGHTER GRANT PROGRAM AWARD-**

City Manager James Quin advised this item was for consideration to discuss and approve FY 2011 Assistance to Firefighter Grant Program Award for the amount of $62,729 for operations and safety to enhance first responders' ability to protect the health and safety of the public, as well as that of first-responder personal, with respect to fire related hazards.

Bill Bell, Fire Chief, briefed Council members on the submission of a grant to FEMA. The Fire Department was notified of receiving the grant. The total of the FEMA grant was $66,030.00 of which 5% is the City's share. The total City share is $3,300.00.

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

13. **APPROVE RESOLUTION CALLING SATURDAY SPECIAL ELECTION FOR MAY 12, 2012 ON ISSUE OF WHETHER TO CONSOLIDATE THE CITIES OF RICHLAND HILLS AND NORTH RICHLAND HILLS-**

City Manager James Quin advised the following was for consideration to approve the resolution calling a Special Election for Saturday, May 12, 2012, on the issue of whether to consolidate the cities of Richland Hills and North Richland Hills pursuant to Chapter 61 of the Texas Local Government Code, due to filing of a petition for consolidation filed under Texas Local Government Code Section 61.003.

The City Attorney stated that the law states if a petition is circulated in any city to consolidate with another city, then if at least 100 signatures are received, City Council has the option to call an election to determine if the citizens want to consolidate or join another city. However if 15% of the voters in the last election signed a petition, then it becomes mandatory. The city Council is required by law to call an election. The City Secretary has certified that the requisite number of signatures has been verified to conduct an election. The next step in the process, is to have the election, and if the Richland Hills voters approve consolidation, then a petition can be circulated in North Richland Hills. The same rules would apply. If North Richland Hills gets a petition of at least 100 signatures, then the City Council can call a consolidation election with North Richland Hills. If they get a petition of 15% of the voters they have to call an election. If for whatever reason, Richland Hills voters turn down the process, it stops right there.

Beverly Williams, 7112 Richland Rd.
Travis Malone, 3106 Elm Park

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

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

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

15. **CONSENT AGENDA-**

A) Approval of Tuesday, February 7, 2012, Regular Meeting Minutes.

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

16. **PUBLIC INPUT OR PUBLIC COMMENTS-**

Terry Broome, 2809 Mimosa Park
Gerrit Spieker, 3401 Jonette

Doug Kuhn, 3641 Scruggs
Athena Campbell, 2802 Elm Park
Travis Malone, 3106 Elm Park
Larry Marrs, 7166 Richland Rd.
Meg Pelzel, 3537 Scranton
Beverly Williams, 7112 Richland Rd.
McCalla Williams, 7112 Richland Rd.
Georgia Maze, 3517 Scruggs
Ron Avery, 2716 Ash Park
David White, 7008 Hovenkamp

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

A) Council Member Goveas made a presentation regarding state of the City, and Council accomplishments.

18. **EXECUTIVE SESSION-**

At 9:13 p.m., Mayor Ragan called an Executive Session pursuant to the Open Meetings Act, Chapter 551, Section 551.076: Deliberation regarding Security Devices. The City Council may deliberate the deployment, or specific occasions for implementation of security personnel or devices; particularly, receive report from the Chief of Police regarding building security.

19. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor David Ragan declared the meeting adjourned at 9:14 P.M.

ATTEST **APPROVED**

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Linda Cantu
City Secretary

David Ragan
Mayor