

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Linda Cantu, City Secretary
Date: June 13, 2013
Subject: Minutes

City Council Action Requested:

Consider approval of June 4, 2013, City Council minutes.

Background Information:

Attachment - minutes

Board/Citizen Input:

N/A

Financial Impact:

N/A

Staff Contacts:

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**MINUTES OF
RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JUNE 4, 2013**

Mayor Agan called the Regular City Council meeting to order at 7:14 p.m., in the Council Chambers of the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas.

Bill Agan	Mayor
Roland Goveas, Place 1 Toya Norton, Place 2 Robert De Soto, Place 3 Beverly Williams, Place 4 Edward Lopez, Place 5	Council Members
Curtis Hawk Linda Cantu Betsy Elam	City Manager City Secretary City Attorney

with the following members absent: None, constituting a quorum, at which time the following business was transacted:

WORK SESSION – 6:00 P.M.

1. Introduction of Susan Young, District Director for State Senator Kelly Hancock.

Susan Young, District Director for Senator Kelly Hancock, introduced herself and Emery Crite, Constituent Services. Ms. Young announced that invitations were mailed to Mayor Agan and Council Members to Senator Hancock's grand opening of his new office located at 9121 Belshire Drive, Suite 200, in N. Richland Hills. The grand opening is June 19th.

2. Discussion of Code Enforcement

No discussion at this time.

- 2.(A) Discuss July 4th Event.

City Manager Hawk announced a need to go into Executive Session before discussion of Item 2A.

3. Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106(d) & (e) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein.

MOTION: A motion was made by Councilmember Norton, and seconded by Councilmember DeSoto to go into executive Session at 6:05 p.m.

4. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

MOTION: A motion was made by Councilmember Williams, and seconded by Councilmember DeSoto to re-convene into open session at 6:29 p.m.

Mayor Agan moved to item 2(A) Discuss July 4th Event.

2 (A) – Discuss July 4th Event.

Jeff Ritter, Chair, Special Events Committee, introduced other board members Janece Hill, Diane Barrette, and Jeremy Hill, as they were in attendance this evening.

Mr. Ritter briefed Councilmember's on the July 4th proposed parade route and Festivities. Scheduled for the parade are floats, decorated classic and antique vehicles, motorcycles, bikes, pets and horses. Mr. Ritter also addressed the location for the band, the children's area with bounce houses, kid's games, and the area designated for the food. There will be tents at various locations on Diana Drive for seating and viewing of the Zack King Band.

Diane Barrette, member of Special Events Committee, spoke in regard to the many hours the committee members met in preparation of the parade and events, and her concern with the change in the parade route.

Mayor Agan and City Manager Hawk thanked the committee and staff members for their hard work and efforts in preparation of the parade. Pine Park is under construction, therefore that street will not be included in the parade route.

There will be several meetings in the next three weeks to finalize all the plans.

5. Discussion of items listed on tonight's City Council Agenda.

No discussion at this time.

REGULAR SESSION – 7:14 P.M.

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

The invocation was given by Mayor Agan.

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

1. PRESENTATIONS & APPEARANCES

- A. Presentation of Ten year service award to Sgt. Kirk Hamm with the Richland Hills Police Dept.

Mayor Agan presented Sgt. Hamm a ten year service award certificate and pin. Chief Childress read Sgt. Hamm's biography.

- B. Citizen Appearances/Public Comments

Debbye Fritz, 7138 Maple Park Dr., recommended the Special Events Committee solicit donations for city events at the beginning of the year or as early as possible.

2. CONSENT AGENDA

- A. Approval of May 21, 2013 Minutes.
- B. Purchase and installation of a chlorine analyzer, scales, and housing for the Evergreen pump station
- C. Authorize Half Associates to prepare an application to participate in the Federal Emergency Management Administration Community Rating System

City Manager Hawk recommended Item 2C removed for separate discussion.

MOTION: A motion was made by Councilmember Williams, and seconded by Councilmember Goveas to remove Item 2C for separate discussion, and to approve Items 2A and 2B. Motion carried by a vote of 5-0.

City Manager Hawk and Michael Barnes, City Engineer, briefed Council Members on the Application to participate in the Federal Emergency Management Agency Community Rating System (CRS) in the amount of \$8,000.

In 2012 FEMA released new information regarding the 2012 National Flood Insurance Program (NFIP) Reform Act (BW-12) that has the potential to raise

insurance rates for residents currently located in the 100 year floodplain. CRS recognizes community efforts beyond those minimum standards by reducing flood insurance premiums for the community property owners. CRS discounts on flood insurance range from 5% to 45%. Currently there are 75 property owners that will be affected by BW-12, but we expect it to be broader in the future and will have a significant impact in the community.

Mr. Hawk stated the \$8,000 will be taken from the Drainage Utility Fund.

MOTION: Motion made by Councilmember Lopez, and seconded by Councilmember DeSoto to approve. Motion carried 5-0.

3. **PUBLIC HEARINGS AND OTHER RELATED ITEMS**

A. No items for consideration.

4. **ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

A. No items for consideration.

5. **CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS**

A. Amendment to Redflex agreement for Photo Red Light Enforcement Program, modifying term of services and pricing options.

City Manager Hawk reviewed the amendment to Redflex for Photo Red Light Enforcement Program. The current Redflex contract expires May 2019. Redflex has proposed extending the term of the agreement for three (3) years to May of 2022, with the possibility of three one year extensions beyond that if the City agrees at the time, for a potential end date of 2025. In exchange, the amendment will make the following changes to the current contract.

- Roll back the flat fee per intersection to \$4,870.00 which is what it was prior to the adjustment for inflation;
- Eliminate the automatic CPI adjustments; and
- Should the city request, Redflex will perform at its own cost, surveys of the intersections with existing cameras to determine efficiency and if additional cameras may need to be installed, as well as surveys of any additional intersections that we request to be surveyed.

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

6. OTHER ITEMS FOR CONSIDERATION

A. Amendments to Richland Hills Home Rule Charter

City Manager Hawk and City Attorney Elam reviewed the proposed changes to the current Charter recommended by the Charter Review Committee and the Ad Hoc Charter Review Committee of the Council, section by section, and requested Council give direction on each section where changes were recommended.

Sec. 5.01. – City Council; places; terms

A proposal was recommended regarding makeup of Council to consider increasing size of Council to six (6) Council places plus Mayor and make the Mayor a voting member, and propose to have three (3) year overlapping terms.

The consensus by Council was to leave the number of Council places at five (5) with Mayor voting only in cases of tie. The proposal to provide for the three (3) year terms was agreed to by all Council Members.

Sec. 5.02. – Qualifications

The current Section 5.02 sets out a list of qualifications and provides that candidates must meet each qualification at *“time of his/her filing as candidate.”* City Attorney Elam pointed out that Texas Election Code controls, and the Committees had recommended Section 5.02 be amended to follow State law and provide that *“A person who does not possess each of the above qualifications on the day of the election [rather than at time of filing] shall not be eligible to be elected to the Council.”*

The current Section 5.02 provides that *“No Councilmember shall hold any other public office except that of Notary Public, member of National Guard or any Military Reserve, or a retired member of the Armed Services.”* Both Committees recommended that this section be changed to conform to the Election Code by changing the requirement to read *“No Councilmember shall hold any other public office except as permitted by state law”.*

The consensus of Council was to accept and go forward with these recommended proposed changes to Sec.5.02.

Sec. 5.03. – Date of Election

This section of the current charter provides *“The regular municipal elections of the City of Richland Hills shall be held on the first Saturday of May of each year,”* which does not conform to the Texas Election Code. Both Committees recommended Section 5.03 be amended to read *“The regular municipal elections of the City of Richland Hills shall be held on the May uniform election day of each year or as otherwise provided by state law and shall be conducted in accordance with state law”.*

The consensus of Council was to accept and go forward with these recommended proposed changes to Sec.5.03.

Sec. 5.08.- Judge of election

This section of the current charter provides for canvassing the vote and that “*Council candidates receiving the greatest number of votes*” shall be elected. Both Committees recommended “*candidates receiving a majority*” be declared elected, and that “*In the event no candidate receives a majority of the votes cast, a runoff election shall be held in accordance with state law.*”

The consensus of Council was to accept and go forward with these recommended proposed changes to Sec.5.08.

Sec. 5.09.- Vacancies

This section of the current charter provides for how vacancies in office of Mayor or Councilmember are filled. City Attorney Elam explained to Council some requirements for filling vacancies of elected officials serving 3-year terms, and had submitted new language to address vacancies.

The consensus of Council was to accept and go forward with these recommended proposed changes to Sec.5.09.

Sec. 5.12. – Limitations on successive terms.

This section of the current charter limits Mayor and Councilmembers to three (3) consecutive terms. Both the Charter Review Committee and the Ad Hoc Charter Review Committee of the Council recommended eliminating this Section, thus removing term limits.

The consensus of Council was to accept the recommendations of the Committees to eliminate term limits by deleting Sec.5.12.

Sec. 6.02. - Duties of Mayor-Mayor Pro Tem

The two committees recommended that the provision in Sec 6.02 that provides the Mayor “*Shall be the chief executive officer of the city*” be deleted.

The consensus of Council was to accept this recommendation of the Committees.

Sec. 6.03.- Powers and duties of City Council

This section of the current charter provides Council power and duty to “*appoint and remove the City Manager.*” The two committees recommended the section be amended to provide to “*appoint and remove the City Manager, City Attorney, Municipal Judge, and relief Municipal Judges, and other such employees required by state law to be appointed by the City Council.*”

The consensus of Council was to accept this recommendation of the Committees.

Sec. 6.04. - City Manager

The consensus of Council was to make no changes to this section.

Sec. 6.06.- Appointment and removal of City Secretary

This section of current charter provides for appointment of City Secretary and Assistant City Secretaries by Mayor with approval of majority of Council, and removal of City Secretary and Assistant City Secretaries by Mayor with approval of four fifths (4/5) of the council. The Committee of the Council recommended these positions be appointed by the City Manager.

The consensus of Council was to accept this recommendation.

Sec. 6.07. - Appointment and removal of City Attorney

This section of current charter provides for appointment of City Attorney by Mayor with approval of majority of Council, and removal of City Attorney by Mayor with approval of four fifths (4/5) of the council. The Committee of the Council recommended “*The City Attorney shall be appointed by a majority vote of the City Council . The City Council may remove the City Attorney at any time upon the affirmative vote of four fifths (4/5) of the council.*”

The consensus of Council was to accept this recommendation.

Sec. 6.08. - Municipal Court of Record

This section of current charter provides for election of Judge. State law now requires that the judge of a municipal court of record be appointed by Council, and this is

current practice in city. The Committee of the Council recommended the charter be amended to reflect current state law and practice of city, to provide that judge be appointed by the city Council, and *“may be removed after written notice and an opportunity to be heard before the Council.”*

The consensus of Council was to accept this recommendation.

Sec. 9.03.- Goods, materials, services or supplies, and
Sec. 9.04. – Contracts

The current provisions in Sec 9.03 and Sec. 9.04 are adopted many years before the current provisions in state law. The Ad Hoc Committee of the Council recommended the following language in Sec. 9.03 and deleting Sec. 9.04

(a) “The City Council may, by ordinance, give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.”

(b) “All contracts for expenditures or purchases involving more than the set limits must be expressly approved in advance by the City Council.”

(c) “All contracts or purchases involving more than the limits set by Council shall be awarded by the City Council in accordance with state law.”

The consensus of Council was to accept these recommendations.

Sec. 10.01.- Acquisition of property.

This section of the current charter has several sections that are archaic and not as provided by state law and the courts. The Committee of the Council recommended deleting Sections 10.01(3), (4), (5), and (6) of the Charter which would provide that the procedures for eminent domain and property acquisition shall comply with state law.

The consensus of Council was to accept the recommendations.

Sec. 14.01.- The Planning and Zoning Commission

This Section provides for establishing the Planning and Zoning Commission. Both committees recommended language to change such that the Planning and Zoning Commission should consist of five (5) "qualified voters" rather than the word "citizens" as currently provided, and that the chairman of Planning and Zoning Commission be appointed by the Council rather than by the Commission, and that a majority of all the members shall constitute a quorum, and that members may be removed by the "council after a public hearing and for cause set forth in writing."

The consensus of Council was to accept these recommendations.

Sec. 14.02 – Planning and Zoning Commission powers and duties.

Both committees recommended language to clarify that the Commission shall in (1) "*recommend to the City a Master Plan*", and in (3) "*The Commission shall consult with the City Manager and with other City departments regarding planning.*"

The consensus of Council was to accept these recommendations.

Sec. 14.03. – Master plan

The Charter Review Committee recommended that the charter be amended to provide what goes into a master plan, and to provide clarity by deleting the sentence which reads "Amendments thereto will be approved by the said Commission," since the Commission is a recommending body only. The Ad Hoc Committee of the Council recommended the following language be added to the existing provision:

(1)...The Master Plan shall consist of at least these components:

- A. Comprehensive Land Use Plan
- B. Parks, Trails, and Open Space Plan
- C. Water and Wastewater Plan
- D. Storm Water Drainage Plan;

and such other components that the Council may designate by ordinance or resolution. Each component of the Master Plan shall address a planning horizon of at least ten (10) years into the future.

(2) The Planning and Zoning Commission shall review the Master Plan components every four (4) years and recommend to Council updates as necessary to reflect changing conditions and requirements.

(3) The City Manager shall be responsible for scheduling reviews in accordance with this requirement.

(4) After each review, the Planning and Zoning Commission shall either submit its recommendations for updating the component(s) or shall submit a letter confirming that the review was accomplished but declaring that there were no recommended revisions.

(5) Council may adopt the Master Plan or any component thereof, in whole or in part, and any amendments thereto after at least one (1) public hearing on the proposed action.

The consensus of Council was to accept these recommendations.

Section 14.04 Legal effect of the Master Plan

The Ad Hoc Committee of the Council recommended this section be deleted in its entirety due to conflicting sections.

The consensus of Council was to accept this recommendation.

Both the Charter Review Committee and the Ad hoc Committee of the Council recommended the following three amendments to the sections on recall:

Sec. 15.10.- Recall, restriction thereon

“No recall petition shall be filed against any officer of the City of Richland Hills within six (6) months after his/her election, nor within six (6) months after an election for such officer’s recall.” The language currently provides for three (3) months.

Sec. 15.11.- Failure of city council to act

“Any qualified voter of the City may seek judicial relief in the district court of Tarrant County in the event the Council fails to act when presented with a recall petition meeting the requirements of this Article.”

Sec. 16.02 Procedure.

“Any qualified voter of the City may seek judicial relief in the district court of Tarrant County in the event the Council fails to act on a referendum or recall petition meeting the requirements of this Article.”

The consensus of Council was to accept the recommendations 15.10, 15.11 and 16.02 pertaining to recall.

Sec. 17.20.- Amendment of Charter

The Charter Review Committee recommended the following amendment to this section. The Ad hoc Committee of the Council did not recommend for or against this proposal.

“The Council shall cause a review of the Charter at least once every 5 years to see if amendments should be submitted to voters.”

The consensus of Council was to not include this recommendation to go forward.

City Manager Hawk stated that the entire charter will be submitted to Council again at the next City Council meeting, with strikeouts and highlights as it will be revised with Charter propositions for Council’s further consideration.

Mayor Agan recessed for a ten minute break at 8:51 p.m.

Mayor Agan reconvened the meeting back to order at 9:00 p.m.

6B. Amendments to Chapter 10, Code of Ordinances

City Manager commented briefly on the item in the packet and recommended this item brought back for discussion at the next meeting.

6C. Auction of Police Surplus Items

Police Chief Childress passed out a list of items that are either owned by the city and assigned to the Police Department or were abandoned/recovered property that is unclaimed. The owned items are no longer used due to age, wear and tear, or changes in technology. Staff requested that they be allowed to destroy any item not sold at auction.

Officer Nathan Stringer stated the thirty-nine (39) bikes would be donated to Bikes for Tykes on Latham Drive in the city. These will be re-furbished and given to charity. Uniforms and winter coats will be donated to the Salvation Army, with batches removed. Some items will be placed on Lone Star for auction.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember Williams to destroy, donate or auction the items. Motion carried by a vote of 5-0.

D. Establish Posting Date & Time for Council Agenda

City Manager Hawk requested changing the official deadline for submitting agenda items from Wednesday at 5 p.m. to Friday at 5 p.m. The change would give Council Members and staff more flexibility.

MOTION: A motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to move the agenda deadline to Friday at 5 p.m. Motion carried by a vote of 5-0.

7. REPORTS & DISCUSSION ITEMS

A. Continuation of Discussion of Work Session agenda items

City Manager Hawk briefed Council on the code enforcement issues in the city. Staff feels the current ordinances need to be amended, because of limitations on enforcement.

Eric Strong, Assistant City Manager, briefed Council on the Work Session items dealing with Code Enforcement issues. Fire Chief Bill Bell and Jonathan McIntosh, Inspector with Code Enforcement, requested the following items to be addressed:

- Dead trees on private property
- Fences and fence materials
- Junk Vehicles
- Tarps as nuisance
- Substandard building ordinance
- Bamboo and decorative grass
- Mobile Home and trailer parking
- High grass and weeds

This item will be on a future agenda for more discussion and possible action.

B. Matthews Interceptor and Big Fossil Creek Lift Station Project Update

No discussion at this time.

8. COMMUNITY INTEREST ITEMS

Police Chief Childress announced the kick off of the RAD Kids training and Citizen Police Academy.

A city employee, Christie Garcia, Crime Liaison Officer, received a meritorious award from the City of North Richland Hills Police Department for her role in helping children from a homicide case.

Officer Stringer announced the RAD Kids training program is June 24-28. This program teaches children self defense courses.

Police Officer Sheena Parsons stated the next Citizen Police Academy starts Sept. 5, 2013, Thursday nights from 7 to 10 p.m. This is a ten week program.

City Manager Hawk stated the City of Fort Worth initiated Water Restrictions effective June 3.

The next Richland Hills Lunch Bunch is scheduled for June 14th.

Park in the Dark events is every Saturday during the month of June at Creek Trail Park.

An announcement was made that Volunteers are needed for the July 4th parade.

9. **EXECUTIVE SESSION:**

- A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106(d) & (e) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

Reconvene in open session for possible action resulting from any items posted and legally discussed in Executive Session.

No executive session at this time.

10. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Bill Agan declared the meeting adjourned at 9:59 P.M.

ATTEST

APPROVED

Linda Cantu

Bill Agan

City Secretary

Mayor