

**Office of the City Secretary**

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Cathy Bourg, City Secretary  
Date: September 6, 2016  
Subject: Minutes from the August 16, 2016 Regular City Council Meeting and August 18, 2016 Special City Council Meeting.

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**City Council Action Requested:**

Consider approval of August 16, 2016 City Council Minutes and August 18, 2016 Special City Council Minutes

**Background Information:**

Attachment – August 16, 2016 Draft Minutes  
August 18, 2016 Draft Minutes

**Board/Citizen Input:**

N/A

**Financial Impact:**

N/A

**Staff Contacts:**

Cathy Bourg, City Secretary  
817-616-3810  
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**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING  
AUGUST 16, 2016  
DRAFT MINUTES**

Roll Call:

Council present:  
Bill Agan, Mayor

Council Absent:  
Roland Goveas, Place 1

Allison Barrette, Place 2  
Robert DeSoto, Place 3  
Beverly Williams, Place 4  
Edward Lopez, Mayor pro-tem

Staff

Eric Strong, City Manager  
Cathy Bourg, City Secretary  
Betsy Elam, City Attorney

**WORK SESSION – Mayor Bill Agan Called to Order – Time 6:00 p.m.**

- 1. 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).**

**Motion:** Motion was made by Councilmember DeSoto, and seconded by Councilmember Barrette to convene into executive session. Time: 6:00 p.m.

Motion carried by a vote of 3-0. Councilmember Williams absent from Chamber and Councilmember Goveas absent.

Mayor Agan reconvened into open session. Time: 6:49 p.m.

- 2. Discussion of items and presentations listed on tonight's City Council Agenda.**

Jason Moore, Assistant to the City Manager gave a presentation on the following items.

- 5C. Authorize the purchase of lighting equipment and installation services with FSG in the amount of \$38,500 plus 2%. This project addresses the replacement of fluorescent bulbs and ballasts at City Hall, the Library and Public Works buildings with LED light tubes with motion sensors.**

- 5A. Award bid and authorize the City Manager to execute a construction agreement with Reliable Paving, Inc. for the construction and installation of an underground storm sewer along Matthews Drive in the amount of \$429,842. As part of the Link project, the Matthews Drive Drainage project will connect the storm sewer from the Link property to the existing storm drain system at the intersection of Matthews Drive and Park Place. The new storm sewer pipe will be installed along the west side of Matthews Drive,
- 5B. Authorize a deduct change order, Change Order #1, in the amount of \$49,180 to Reliable Paving, Inc. for the Matthews Drainage Project.

Mayor Agan called for a break at 6:55 p.m.

### **REGULAR SESSION – Mayor Agan Called to Order – Time 7:00 p.m.**

**Invocation** – Mayor Agan

**Pledge of Allegiance** – Led by Councilmember Barrett

### **PRESENTATIONS**

#### **1A. Citizen Appearances/Public Comments**

**Citizen Appearances/Public Comments**  
(Citizens who have signed a card to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.)

Eric Strong, City Manager presented the rules of decorum.

Michael Logan, 2643 Kingsbury, Richland Hills made a public apology to the citizens of Richland Hills for his action that took place at the August 2<sup>nd</sup> transportation meeting. He also apologized to Travis Malone for tossing the service contract at him; there was no intent to cause him any harm and he said to Travis, that he was sincerely sorry. Mr. Logan spoke regarding the voter approved contract and revenue sharing with the Fort Worth Transportation Authority.

#### **1B. Presentation on various Speed Studies.**

Police Chief Barbara Childress gave a presentation on various speed studies. There were studies recorded with the stealth speed measuring device at three locations –

Popplewell and Richlynn Terrace, Popplewell and Dover, and Vance for a total of 14 days. The total number of vehicles in this study was 51,943. Based on the total number of vehicles recorded, the 85<sup>th</sup> percentile speed was 33 mph. She also provided the average speed of 27.45 mph and the 50<sup>th</sup> percentile speed of 29.6 mph. Chief Childress provided the definition of what the 85<sup>th</sup> percentile means; essentially, that it reflects the number of vehicles driving at or just below or above the posted speed limit and is used to set speed limits. It also is used to estimate the speed distribution of the entire traffic stream. She indicated that although the 85<sup>th</sup> percentile speed was 33 mph, that that did not mean no one sped on the roadway and cited some speeds that were over (for example several vehicles were recorded traveling in their 40's). Also that one vehicle was recently ticketed for 59 mph.

She said that they do not use 4-way stop signs or Children Playing signs to control speed based on the warrants from the Texas Uniform Traffic Control Manual, which they follow.

She also reported on the studies at Vance and Bridges. The total vehicles in this study was 26,218 for a period of 6 days. The average speed was 26 mph, the 50<sup>th</sup> percentile was 27 mph and the 85<sup>th</sup> was 33.5 mph.

Chief Childress stated that the Police Department would increase patrols; have specific times to be in the area and introduced the Neighborhood Speed Watch Program. A program utilizing volunteers to measure speeds on their street following complaints and record license plate numbers. A letter is then mailed to the registered owner advising of their speed. A program that also uses volunteers to canvass neighborhoods gathering opinions as to whether there is a belief that vehicles speed, and uses volunteers to sit and just record speeds for traffic studies.

### **Citizen Public Comments**

Martha Strain, 3663 Popplewell, Richland Hills spoke regarding the cars that speed down Popplewell every day. She believes the survey done is flawed because school was not in session. She pointed out several incidents involving speeding cars losing control and landing in yards as well as hitting trees and one major accident. Martha said that Popplewell is a cut through street and suggested installing stop signs to slow traffic down.

Rick Strain, 3663 Popplewell, Richland Hills spoke regarding cars speeding down his street and running into his trees several times. He is not in favor of the neighborhood watch program. He would like the speeding stopped and suggested installing stop signs to slow traffic down.

Mike Witt, 7200 Hovenkamp, Richland Hills spoke regarding the speeding on Popplewell. He said he sees some errors in the speed study. The worst is in the morning and afternoon. He indicated at the corner of Hovenkamp and Popplewell at the cross walk, children have a false sense of security thinking the cars are going to stop.

## **1C. Budget Presentation on FY 2016-2017 Budget**

Eric Strong, City Manager gave a presentation of the FY 2016-2017 Budget. The following was discussed:

- ◆ Utility Fund
  - Shared Services
  - Water Revenue
  - Sewer Revenue
  - Misc Revenues
  - Administration
  - Transfers/Debt Service
  - Water Product and Dist (Scott Mitchell)
  - Wastewater Collection and Treatment (Scott Mitchell)
- ◆ Special Program Fund
  - Police Department SRO (Chief Childress)
- ◆ Oil and Gas Lease Fund
- ◆ Drainage Utility Fund (Scott Mitchell)
- ◆ Municipal Court Building Security Fund
- ◆ Municipal Court Technology Fund
- ◆ Road and Street Improvement Fund
- ◆ Richland Hills Development Corporation Fund
- ◆ Electric Meter Lease Program Fund
- ◆ Traffic Safety Fund (Chief Childress)
- ◆ CCPD – Crime Control and Prevention District (Chief Childress)
- ◆ CVL – Crime Victims Liaison Fund (Chief Childress)
- ◆ Hotel Occupancy Tax Revenue Fund

The next public hearing on the budget is on September 6, 2016.

## **CONSENT AGENDA**

- 2A. Approval of minutes from the August 2, 2016 Regular City Council meeting.**
- 2B. Approval of upgrade to Audio/Visual system in the City Council Chambers in the amount of \$54,564.94 to Lantek.**
- 2C. Approval of Interlocal Agreement for disposal of Household Hazardous Waste collection program for FY 2016-2017.**
- 2D. Resolution 472-16 approving Public Funds Investment Act Policy.**

**Motion:** Motion was made by Councilmember Lopez, and seconded by Councilmember DeSoto to approve all consent agenda items.

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

## **PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**

### **3A. Public Hearing regarding proposed tax rate.**

Eric Strong, City Manager presented information regarding the first of two public hearings on the proposed tax rate. When the bond election for the Link occurred, residents were told that their tax rate would be increasing to .598805 if the bond was approved. The bond was approved, and the proposed rate is .595633, which is lower than promised.

Mayor Agan opened the Public Hearing. Time: 8:25 p.m.

Gerrit Spieker, 3401 Jonette Dr., Richland Hills thanked the City Manager for his transparency and requested the INS rate.

John Skier, 7016 Park Place Dr., Richland Hills complimented staff in putting the budget together and coming in below budget. Mr. Skier commented that in light of some of the changes we have, are we being too conservative.

Mayor Agan closed the Public Hearing. Time: 8:28 p.m.

### **3B. Public Hearing regarding annual budget**

This public hearing is the first of two public hearings on the proposed budget.

Mayor Agan opened the Public Hearing. Time: 8:28 p.m.

Gerrit Spieker, 3401 Jonette, Richland Hills recommended the city leave the \$215,000 revenue sharing in the budget. He asked a question, when we will reach the point where we will fund the work for the north end of the detention pond at Faith Creek, to the end of the project that came down from 26.

John Skier, 7016 Park Place Dr., Richland Hills made comments regarding the collection of delinquent taxes, and overtime at the Police Department and Animal Control.

Travis Malone, 2641 Mimosa Park, Richland Hills commented that with any extra funds, to possibly look at a study for more sidewalks

Mayor Agan closed the Public Hearing. Time: 8:33 p.m.

## **ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

### **4A. None at this time.**

## **CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS**

- 5A. Award bid and authorize the City Manager to execute a construction agreement with Reliable Paving, Inc. for the construction and installation of an underground storm sewer along Matthews Drive in the amount of \$429,842.**

Item was discussed during the work session, under item 2.

**Motion:** Motion was made by Councilmember DeSoto, and seconded by Councilmember Barrette to approve.

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

- 5B. Authorize a deduct change order, Change Order #1, in the amount of \$49,180 to Reliable Paving, Inc. for the Matthews Drainage Project.**

Item was discussed during the work session, under item 2.

**Motion:** Motion was made by Councilmember Barrette, and seconded by Councilmember DeSoto to approve.

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

- 5C. Authorize the purchase of lighting equipment and installation services with FSG in the amount of \$38,500 plus 2%.**

Item was discussed during the work session, under item 2.

**Motion:** Motion was made by Councilmember DeSoto, and seconded by Councilmember Barrette to approve.

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

## **OTHER ITEMS FOR CONSIDERATION**

- 6A. None at this time.**

## **REPORTS & DISCUSSIONS**

- 7A. Presentation of Department Head Reports**

No Discussion

## **8. COMMUNITY INTEREST ITEMS**

- Bulk Waste Collection is going on this week.

- Lunch Bunch – September 8<sup>th</sup>
9. **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).**

None at this time.

10. **A motion was made by Councilmember DeSoto, and seconded by Councilmember Lopez to adjourn. Motion passed 4-0.**

There being no further business to come before the City Council, Mayor Agan declared the meeting adjourned at 8:37 p.m.

**ATTEST**

**APPROVED**

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Cathy Bourg, City Secretary

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Bill Agan, Mayor

**RICHLAND HILLS CITY COUNCIL  
SPECIAL MEETING  
AUGUST 18, 2016  
DRAFT MINUTES**

Roll Call:

Council present:

Bill Agan, Mayor  
Roland Goveas, Place 1  
Allison Barrette, Place 2  
Robert DeSoto, Place 3  
Beverly Williams, Place 4  
Edward Lopez, Mayor pro-tem

Council Absent:

Staff

Eric Strong, City Manager  
Cathy Bourg, City Secretary  
Betsy Elam, City Attorney

**SPECIAL SESSION – Mayor Bill Agan Called to Order – Time 5:30 p.m.**

**ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

- 1A. Consider Resolution 473-16 regarding possible future elections and sales tax availability and declaring intention to provide continued Mobility Impaired Transit Services and transportation for citizens over the age of 60.**

Eric Strong, City Manager presented Resolution 473-16, regarding possible future elections and sales tax availability and declaring intention to provide continued Mobility Impaired Transit Services and transportation for citizens over the age of 60.

**A RESOLUTION OF THE RICHLAND HILLS CITY COUNCIL FOR  
THE PURPOSE OF PROVIDING DIRECTION REGARDING  
PUBLIC TRANSPORTATION AND SALES TAX CAPACITY**

WHEREAS, the City Council has received a petition from residents ordering that the City Council call an election to determine continued membership in the Fort Worth Transportation Authority; and

WHEREAS, the City Council takes no position on continued membership in the Fort Worth Transportation Authority; and

WHEREAS, should residents decide to remain a member city of the Fort Worth Transportation Authority, the City Council fully intends to continue working with the Fort

Worth Transportation Authority to seek a relationship that is fair and equitable for all involved; and

WHEREAS, should residents elect to withdraw from the Fort Worth Transportation Authority, the City council recognizes that a need remains for public transportation; and

WHEREAS, prior to an election, the City Council will approach other agencies that have agreed to provide transit services to Richland Hills in the past and have an agreement in place should residents elect to withdraw; and

WHEREAS, any agreement will provide for transportation services to Mobility Impaired passengers as well as any residents over the age of 60 years old but will not provide regular bus service or airport transportation; and

WHEREAS, there have been questions about the ability of the citizens to re-issue the ½ cent sales tax currently allocated to the FWTA should residents elect to withdraw; and

WHEREAS, legal opinions and past precedence have determined that should residents elect to withdraw from the FWTA, citizens will have the option to reissue the ½ cent sales tax for any eligible purpose; and

WHEREAS, eligible purposes include allocating the funding to streets, parks, economic development and the general fund, amongst other uses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF RICHLAND HILLS the Mayor and City Council of Richland Hills encourage all residents to become informed on the issues at hand in any future transportation related elections and exercise their right to vote.

**Motion:** Motion was made by Councilmember Lopez, and seconded by Councilmember Goveas to approve.

Motion carried by a vote of 5-0.

**1B. Consider Ordinance 1317-16 calling an election regarding membership in the Fort Worth Transportation Authority.  
Ordenanza para convocar a una eleccion respect a la membresia de la Autoridad de Transporte de Fort Worth.**

Eric Strong, City Manager presented the following information regarding Ordinance 1317-16, calling an election regarding membership in the Fort Worth Transportation Authority.

City staff has received a petition and an ordinance that calls an election for the November 8<sup>th</sup>, 2016 uniform election date. The purpose of the election is to allow

residents to determine their continued membership in the Fort Worth Transportation Authority.

The Transportation Code provides two methods for a member city to withdraw from the Authority. Those include: the city council calling an election or the citizenry signing a petition to withdraw and submitting it to the City Council. In both of those cases, the Transportation Code stipulates that an election cannot be called until one year from the date of the last election to determine membership and then the election must be called for one year before it can be held.

In this particular case, it appears that the ordinance that has been submitted is following the rules of our Home Rule Charter, specifically section 16.02, which provides for the power of initiative. In essence, the Charter states that citizens can enact legislation through the signing of a petition, which forces the council to act. Upon receipt of a petition, the council is obligated to call an election on the matter by the next uniform election date (technically, our charter requires a special election to be called within 60 days, but state law no longer allows for special elections, so we would have to default to the next uniform election date). A valid petition must include at least 250 signatures from registered voters of Richland Hills. The petition submitted had approximately 265 valid signatures.

In this particular case, I am not aware of which provision controls. It is possible that the Transportation Code outlines the provisions that must be followed for the benefit of a General Law City (such as Blue Mound), since they do not have a home rule charter and can't enact the power of initiative on their own without a state law specifically outlining the process for them. If that is the case, our Home Rule Charter controls.

It is also possible that State Transportation Code controls, thus negating the Home Rule Charter in this specific instance. I am not aware of any standing case law on the matter that would provide clarity.

Betsy Elam, City Attorney provided information regarding case law related to initiative and referendum power belonging to the people. She said that, in adopting the ordinance, the Council is without authority to evaluate whether or not this ordinance would be enforceable if ultimately adopted by the voters. She indicated the Council is required to approve the ordinance calling the election since the citizens have complied with all of the terms of the City Charter requiring an initiative.

**Motion:** Motion was made by Councilmember Goveas, and seconded by Councilmember Williams to approve.

Motion carried by a vote of 5-0.

**2. 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).**

None at this time.

**3. A motion was made by Councilmember DeSoto, and seconded by Councilmember Lopez to adjourn. Motion passed 5-0.**

There being no further business to come before the City Council, Mayor Agan declared the meeting adjourned at 5:45 p.m.

**ATTEST**

**APPROVED**

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Cathy Bourg, City Secretary

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Bill Agan, Mayor