

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