

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
APRIL 4, 2017
MINUTES**

Roll Call:

Council present:

Bill Agan, Mayor
Roland Goveas, Place 1
Allison Barger, 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

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 Barger to convene into executive session. Time: 6:00 p.m.

Motion carried by a vote of 4-0. Councilmember Williams absent from Council Chambers.

Mayor Agan reconvened into open session. Time: 7:00 p.m.

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

None at this time.

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

Invocation – Mayor Agan

Pledge of Allegiance

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.)

Hanif Jhaveri, 6940 Baker Boulevard, Richland Hills spoke regarding a partnership between Richland Elementary and STOP & GET ONE to build a new playground for the children of Richland Hills.

CONSENT AGENDA

2A. Approval of minutes from the March 21, 2017 Regular meeting.

2B. Approval of Joint Election Agreement and Contract for Election Services with Tarrant County Elections for the May 6th, 2017 General and Special Elections.

Motion: Motion was made by Councilmember Williams, and seconded by Councilmember DeSoto to approve the consent agenda.

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

3A. Public Hearing and consideration of Ordinance 1328-17, a Specific Use Permit for operation of an auto body repair business with outside vehicle storage located at 7324 Baker Boulevard.

Eric Strong, City Manager gave an overview of a SUP for operation of an auto body repair business with outside vehicle storage located at 7324 Baker Boulevard.

Jason Moore, Assistant City Manager presented the proposed site plan for the Maaco Auto Body Service Center, the applicant for 7324 Baker Boulevard. As staff considered the proposed use and site plan of the applicant, staff asked for major considerations to the property be made in order for staff to make a recommendation of approval. It is staff's opinion that the applicant has addressed the considerations appropriately and feels comfortable making a recommendation for approval.

Christen Santos, Maaco Vice President for Real-estate, gave a presentation regarding what it is to operate a Maaco and how they contribute to the communities that they operate in.

Steven Cadlik, Maaco franchisee and applicant, gave a presentation regarding his background and how he started with Maaco. He plans to run a top notch Maaco and to be a part of the community.

Al Berry, Maaco representative of Maaco, gave a presentation regarding the property in its current state and their goal of turning the building into a new age production facility that will add value and improve the image of Baker Boulevard.

Mayor Agan opened the Public Hearing. Time: 7:29 p.m.

Robin Haney, 4601 Wadine Drive, Haltom City is with FedEx and spoke in favor of the SUP.

Michael Knyff, 137 Ravenswood Drive, Bedford spoke in favor of the SUP.

Troy Bartnick, 161 Ravenswood, Bedford spoke in favor of the SUP.

Mayor Agan closed the Public Hearing. Time: 7:34 p.m.

There was general discussion among Council and questions presented to the applicant regarding the number of employees, revenue generated, cars that will be parked at the location and the height of the screening wall. There was discussion regarding the use of this high profile corner and the future land use plan.

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

Motion carried by a vote of 4-1. Councilmember DeSoto against.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. Consider Resolution 480-17, suspending the April 21, 2017 effective date of the Oncor requested rate change.

Eric Strong, City Manager presented Resolution 480-17, suspending the April 21, 2017 effective date of the Oncor requested rate change.

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

Motion carried by a vote of 5-0.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5A. Consider award of bid for Transportation Services

Eric Strong, City Manager presented information to award a bid for Transportation Services. The residents of Richland Hills voted to withdraw from the Fort Worth Transportation Authority (FWTA) and cease all transportation services and associated sales tax payments with the FWTA. City Council had informed citizens if they chose to exit, a new service would be put in service.

Staff put the service out for bid, and received four responsive bids. The bids range from \$40,000.00 to \$193,601.37 per year.

Motion: Motion was made by Councilmember Lopez, and seconded by Councilmember Barger to award the bid to Real Time Transit and authorize the City Manager to sign the contract.

Motion carried by a vote of 5-0.

OTHER ITEMS FOR CONSIDERATION

6A. Consideration of resignations and appointments to boards and committees.

Eric Strong, City Manager announced the resignation of Place 5 Planning and Zoning Commission Member, Lisa Skier.

Councilmember Lopez thanked Lisa Skier for her service and nominated Ricky Head to the Place 5 P&Z position and Jorge Cisneros to the Zoning Board of Adjustment.

Motion: Motion was made by Councilmember Lopez, and seconded by Councilmember Goveas to appoint Ricky Head to Place 5 of the Planning and Zoning Commission.

Motion carried by a vote of 5-0.

Motion: Motion was made by Councilmember Goveas, and seconded by Councilmember DeSoto to appoint Jorge Cisneros to the Zoning Board of Adjustment.

Motion carried by a vote of 5-0.

REPORTS & DISCUSSIONS

7A. Budget Review for FY 2017-2018

Eric Strong, City Manager presented a budget review for FY 2017-2018 Revenue Projections.

7B. Update on the Link

Eric Strong, City Manager gave an update on the Link. The Grand Opening is scheduled for Saturday, April 29th from 10am to 2pm. There will be a 5k run at 8am.

7C. Update on status of Richland Hills and the FWTA

Eric Strong, City Manager provided an update on the status of Richland Hills and the Fort Worth Transportation Authority (FWTA). He presented the following history of the FWTA and Richland Hills:

About the May 2016 Election:

- Election was called by the City Council, in part due to the following reasons:
 - In 2013, the FWTA changed legislation without notifying Richland Hills in a way that caused damage to Richland Hills by effectively removing their seat on the FWTA board.
 - Richland Hills discovered this in late 2015.
 - Some Council Members felt that the FWTA was too focused on projects that didn't serve the transit authority membership and on contracts with cities that allowed cities membership benefits at discounted, negotiated rates. This was done at the expense of neglecting member cities in favor of contract cities.
 - Some Council Members felt the value for transportation services was out of balance. The amount paid into the system by and on behalf of Richland Hills residents was consistently increasing, while service levels were remaining the same.
 - Due to the TexRail Project, City Council understood that any future ability for Richland Hills residents to exit the authority would have a much larger price tag due to the expenses to build and maintain the TexRail Project.
 - This was reported as a false narrative in the Star Telegram when they wrote: "The claim is that Richland Hills will incur a \$10 million share of transportation authority debt if it does not take advantage of this once-in-a-lifetime opportunity to head for the exit. That's a scary amount of money. But it's sheer fantasy. The transportation authority, which has been in operation for more than three decades, has no debt, says Paul Ballard, its president and CEO." (April 21, 2016).
- The Star Telegram had also reported that Richland Hills was the recipient of numerous benefits by remaining in the FWTA, including:
 - Street Refund for repair caused by damage by FWTA vehicles

- On call door-to-door bus service
- Discount trips to DFW Airport
- The cost to provide these, and other services, was reported by the FWTA to be \$1,364,212.98 per year (April 2016).
- The FWTA provided Richland Hills voters with a final obligation (should they choose to exit the authority) of \$623,703.
- Out of 589 votes cast, 54.6% voted to remain in the FWTA and 45.4% voted to withdraw.

What happened next:

- In June, weeks after the May election, FWTA announced the following changes to Richland Hills services:
 - Terminating the street refund
 - Terminating on call door-to-door service in lieu of a stop based route service.
 - Terminating trips to DFW Airport
 - Terminating School Transportation
- An Open Records Request to the FWTA showed that they were planning these changes well before the election, but withheld the information from the voters. Their internal emails revealed the following:
 - Emails in April and May of 2016 showed internal meetings and alluded to previous discussions to plan service changes if Richland Hills residents elected to remain in the FWTA.
 - The only advantages to the new stop based system are drivers not needing to look for addresses and shorter wait times for drivers, with no noted advantages for residents.
 - We're now asking people to wait outdoors, for the most part at stops with no amenities, much longer than even a regular fixed route rider has to...many fixed route stops qualify for a bench while few in Richland Hills will rise to that level. Wait times could be as much as thirty minutes (even though subsequent emails said they would tell residents they were shortening wait times).
 - Those (riders) who've never used it before, who don't know how good they used to have it, will then be under the new system and may have to walk (to get to a stop).
 - (We are) trying to put a positive spin on changes for Richland Hills.
 - We will push for the stops to be used in peak only because a 30 minute window will not work for 80 year old people in the heat or snow.
 - When preparing for the public meeting to discuss changes it was noted that they (The FWTA) needed to "prepare carefully" because our citizens "might have attitude".

- Due to these changes, voters initiated the petition process granted to them through the City Home Rule Charter.
- Citizens received enough signatures to require the City Council to call an election in November of 2016.
- Legally, council was obligated to call and hold the election. Claims that the council acted illegally or that it was an illegal election are legally false claims.
- Out of 2,870 votes, 55.3% voted to withdraw and 44.7% voted to remain.
- The FWTA, in written correspondence, stated that they intended to “comply with the law and cease service in Richland Hills”.
- The Comptroller sent written communication to Richland Hills recognizing the outcome of the election and stating that once the FWTA notified them of the final obligation, they would cease collecting the sales tax.
- The City is sued by a resident over the validity of the election. A judge dismisses the resident’s lawsuit.
- Per state law, the FWTA has 180 days for their executive board to certify a final obligation. The FWTA did not certify a number within 180 days.
- FWTA staff (not the executive board) sends Richland Hills staff a final obligation amount of \$8,363,431.
- FWTA staff states that they are not legally allowed to lower the number below that amount. This is amount is a direct contradiction to what they promised voters leading up to the May 2016 election.
- FWTA later says that they might be able to reduce the final obligation to “around \$4 million”, despite the fact that they have previously stated their inability to lower it below \$8.3 million.
- Comptroller states that he is no longer recognizing the Richland Hills election.

There was general discussion among Council and questions regarding the upcoming May Special Election. When the 180 days pasted and the FWTA had not certified an amount due, the Council called an election to reallocate the ½ cent sales tax.

8. COMMUNITY INTEREST ITEMS

- Easter Egg Hunt – April 8th 10am Rosebud Park
- Lunch Bunch – April 13th
- Library Programs and Volunteer Opportunities

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 Barger to adjourn. Motion passed 5-0.**

There being no further business to come before the City Council, Mayor Agan declared the meeting adjourned at 9:04 p.m.

ATTEST

Cathy Bourg, City Secretary

APPROVED

Bill Agan, Mayor