

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 12, 2015**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
CODE COMPLIANCE OFFICER JUSTIN WOODALL
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
LIBRARY DIRECTOR VERONICA CLARK
PUBLIC WORKS SUPERINTENDENT FABIAN FEATHERY
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, May 12, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

[It was announced that Mayor Pro Tem Holland would be a few minutes late. He arrived at 7:01 p.m.]

2. INVOCATION

CM Ashton delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

CM Ashton the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS

None.

[At 7:02 p.m. Mayor Earwood convened into executive session under sections 551.071, 551.072, 551.074 and 551.076]

[At 7:57 p.m. Mayor Earwood reconvened into regular session.]

5. CONSENT AGENDA ALL ITEMS UNDER THIS SECTION ARE RECOMMENDED FOR APPROVAL FOR THE "CONSENT AGENDA". THESE ITEMS ARE OF A ROUTINE NATURE AND REQUIRE ONLY BRIEF DELIBERATION BY COUNCIL. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

A. MINUTES OF APRIL 28, 2015 COUNCIL MEETING

- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING MAY 12, 2015 (FY 2015)
- C. APPROVE RESIGNATION OF CHARLES MCCOMB III AS AN ALTERNATE MEMBER ON THE STORM WATER TASK FORCE
- D. APPROVE RESIGNATION OF HERMAN EARWOOD AS THE PLACE 3 EDC DIRECTOR (COUNCIL MEMBER APPOINTMENT) AND APPOINT COUNCILMEMBER JOE ASHTON TO FILL THE REMAINDER OF THE TERM
- E. APPROVE EMPLOYMENT CONTRACT WITH JOHN PAUL JONES

CM Scott removed consent agenda item E for future discussion (not at this meeting).

CM Butler moved, seconded by CM Gordon, to approve consent agenda items A, B, C, and D. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

Consent agenda item E was removed. No discussion occurred and action was taken.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY **GAYLA HUBBARD AT 605 FRONTIER ST.** TO REFUND ADMINISTRATION FEE AND LATE CHARGE ON THE MARCH 2015 WATER BILL

Gayla Hubbard, representing her mom at 605 Frontier, was present.

CS Gregory explained that \$8 was outstanding on the account which led to disconnection of service for failure to pay the full bill. The account was then assessed \$5 late fee and then a \$25 administrative fee.

Ms. Hubbard expressed her concern that her mother's water was cut off when she misread the bill and underpaid it by \$8. Ms. Hubbard stated neither she nor her mother received a late notice that indicated the water would be disconnected. Ms. Hubbard relayed her dismay with the policy of the City to disconnect water service for \$8.

Much discussion occurred related to the number of times per month this situation occurs, possible solutions and reviewing the policy if it is not working. It was noted that no matter what the threshold amount is set at, there will always be payments just outside of that threshold. It was suggested that Ms. Hubbard create a credit balance on the account to prevent future disconnections.

CM Scott moved, seconded by CM Scott Ashton, to refund \$25 of the \$38. CM Ashton and CM Scott voted "Aye." CM Gordon, CM Butler, and Mayor Pro Tem Holland voted "Nay." Motion failed.

8. CONSIDER APPROVAL OF REQUEST BY THE LIBRARY DIRECTOR TO PURCHASE FROM OVERDRIVE THE E-COLLECTION CONSORTIUM AS OUR E-BOOK PROVIDER AND APPROVING **ORDINANCE # 1069-2015** AMENDING THE 2014-2015 FY BUDGET IN ORDER TO EXPEND FUNDS FROM THE ENDOWMENT DONATION FUND (01-2197) FOR THE PURCHASE

LD Clark requested to \$7,000 from the endowment fund to participate in the Overdrive electronic book and audio book program. The annual fee is \$1,500 of which \$1,000 is for collection development and \$500 is for maintenance. There is a one-time \$1,000 set up fee which includes set up and initial training. The requested amount would cover all fees through 2018. Participation in the Overdrive consortium provides an additional collection that is included in the annual maintenance fee. The service would be available to River Oaks Library cardholders on any media device with internet access.

CM Gordon moved, seconded by CM Ashton, to approve the request of the library director to purchase from Overdrive the e-collection consortium as our e-book provider and approving Ordinance #1069-2015 amending the 2014-2015 fiscal year budget in order to expend funds from the endowment donation fund (01-2197) for the purchase. All voted "Aye."

9. CONSIDER APPROVAL OF THE EXCAVATION AND RIGHT-OF-WAY PERMIT FEE PURSUANT TO SECTION 13.06.008 "REGISTRATION FEES" OF THE RIVER OAKS CODE OF ORDINANCES AS SUBMITTED BY PETE NIELSEN REPRESENTING ZAYO FIBER OPTIC CABLE NETWORK

Don Barton Jr., Senior Project Manager for Zayo, described the Verizon project to install a "backbone" of aerial and underground fiber optics from 183 and Roberts Cut Off through Skyline to Jacksboro Highway. The total footage is 4,245 feet with 796 feet being underground in the right-of-way and 3,400 feet being aerial on Oncor poles. Mr. Barton explained the fee was calculation on 4,245 feet at \$31,158 resulting in 2% being \$623.17. CS Gregory stated that he had reviewed the plans and he explained that by ordinance the City Council must set the fee which is generally 2%.

CM Gordon moved, seconded by Mayor Pro Tem Holland, to approve the excavation and right-of-way permit fee of 2% pursuant to section 13.06.008 of the River Oaks Code of Ordinances. All voted "Aye."

10. CONSIDER APPROVAL OF **ORDINANCE # 1068-2015** THAT RESOLVES THE PENDING ATMOS ENERGY CORP; MID-TEX RRM FILING AND ADOPTS NEW RATE TARIFFS EFFECTIVE JUNE 1, 2015

CS Gregory stated that the steering committee recommends approval of the settlement agreement which results in a typical increase of \$1.14 for residential customers and \$2.69 for commercial customers.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1068-2015 regarding Atmos Energy Corp; Mid-Tex RRM filing and adopts new rate tariffs. All voted "Aye."

11. CONSIDER APPROVAL TO AMEND THE COMMUNITY CENTER RENTAL POLICIES AND PROCEDURES PROHIBITING EXCLUSIVE RENTALS OF THE OUTSIDE FIELDS AND/OR RECREATIONAL EQUIPMENT ON COMMUNITY CENTER PROPERTY

The Community Center Directors recommended a \$200 deposit if outdoor rentals are allowed.

CS Gregory presented a revised community center policy which does not permit exclusive outdoor rentals and repeals any previously adopted outside rental policies. CS Gregory suggested the policy include "unless otherwise approved by the City Council" to allow the council discretion to allow special outside events.

Mayor Pro Tem Holland moved, seconded by CM Butler, to approve the revised rental policies and procedures adding the suggestion "unless otherwise approved by the City Council". All voted "Aye."

12. DISCUSSION AND/OR ACTION ON AMENDING THE WATER POLICY UNDER SECTION 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" BY INCORPORATING AN EXCEPTION WAIVING A NEW DEPOSIT FEE WHEN CERTAIN CONDITIONS ARE MET

CM Scott expressed concern that the utility policy allows only 45-days to change the name on a deceased account without the penalty of updating the deposit and initiating a certificate of occupancy. The particular concerns were in the case of the death of a family member or spouse, divorce or separation. Staff explained that the citizens are allowed 45-days once notification has been sent regardless of the date of death. It was also noted that the surviving spouse can change the name without updating the deposit or obtaining a certificate of occupancy.

No action was taken.

13. DISCUSSION AND/OR ACTION ON STATUS ON THE SUBSTANDARD PROPERTY AT 604 FRONTIER CURRENTLY UNDER ORDERS TO ACCESS CIVIL PENALTIES FOR FAILURE TO MAINTAIN A SUBSTANDARD STRUCTURE IN THE TIME ORDERED

Mayor Earwood requested information on how to proceed with enforcement, specifically turning this case over to district court. CS Gregory will contact the tax attorney. CA Elam will research the possible cost of litigation. This information is to be presented at the next regular meeting.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

14. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **4900 ALMENA RD.**

At 9:12 p.m. Mayor Earwood opened the public hearing.

Veronica Garcia, guardian for the owner, stated that she has secured a buyer for the property who will get into contact with staff this Thursday.

Mayor Earwood announced that this public hearing will remain open and be continued on May 26, 2015 at 7:00 p.m.

Inspector Sanders requested that the exterior of the property be maintained and secured immediately. Sanders stated that the trash and debris must be hauled off since there is not an active water account.

15. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4900 ALMENA RD.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

16. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1609 YALE ST.**

At 9:15 p.m. Mayor Earwood opened the public hearing.

A representative was not present.

Mayor Earwood announced that this public hearing will remain open and be continued on May 26, 2015 at 7:00 p.m.

17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1609 YALE ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

18. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **603 HARRISDALE AVE.**

At 9:19 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders reported that this case began after the Fire Department responded to a medical assist at the property. Sanders stated that Adult Protective Services has assisted in relocating Mr. Waggoner and the property is vacant. Sanders reported meeting with Robert Waggoner on the property to review the violations.

Rodger Waggoner and his son Robert Waggoner were present. Robert Waggoner indicated that he is attempting to obtain assistance with the electrical violations.

Mayor Earwood announced that this public hearing will remain open and be continued on May 26, 2015 at 7:00 p.m.

Mayor Earwood stated that Robert Waggoner could represent Rodger Waggoner at the public hearing.

19. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **603 HARRISDALE AVE.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

20. CONSIDER APPROVAL OF **RESOLUTION # 830-2015** AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

CS Gregory suggested approval for this annual request.

CM Gordon moved, seconded by CM Ashton, to approve Resolution #830-2015 authorizing continued participation with the Atmos Cities Steering Committee. All voted "Aye."

OTHER ITEMS POSSIBLY REQUIRING COUNCIL ACTION:

21. DISCUSSION AND/OR ACTION ON SCHEDULING A COUNCIL PLANNING WORKSHOP FOR INFRASTRUCTURE IMPROVEMENTS IN THE CITY

CS Gregory stated that the infrastructure maps have been received and are ready for review. Mayor Pro Tem Holland suggested that items other than the infrastructure be considered for the workshop. CS Gregory will present potential dates to the Council. The workshop will likely be held at the Community Center.

PUBLIC FORUM:

22. CITY COUNCIL INVITES CITIZENS TO SPEAK ON ANY TOPIC; HOWEVER, UNLESS THE ITEM IS SPECIFICALLY NOTED ON THIS AGENDA, THE CITY COUNCIL IS REQUIRED UNDER THE TEXAS OPEN MEETINGS ACT TO LIMIT ITS RESPONSE WITH A STATEMENT OF SPECIFIC FACTUAL INFORMATION, RECITING THE CITY'S EXISTING POLICY ON THAT ISSUE, OR

Mayor Earwood recognized former City Council Bob Minter and his wife Shirley. Shirley Minter congratulated Steve Holland on his re-election.

Steve Sanders gave an update on a firefighter who suffered cardiac arrest, his condition is improving.

Fabian Neathery reported a devastating fire which demolished the home of one of the public works employees. Sanders added that donations are being accepted on behalf of the family.

EXECUTIVE SESSION:

23. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSIONS(S) FROM TIME TO TIME ON ANY POSTED AGENDA ITEM TO RECEIVE ADVICE FROM ITS ATTORNEY AS PERMITTED BY LAW DURING THIS MEETING. THE COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- Section 551.074 Personnel matters – To deliberate the appointment, employment, evaluation, reassignment of duties, discipline or dismissal of a Public Officer or Employee or to hear a complaint or charge against an Officer or Employee.
- Section 551.076 Deliberation regarding security devices

Refer to agenda item # 4 for times of executive session.

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

25. ADJOURN

**At 9:31 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting.
All voted "Aye".**

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary