

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 28, 2013**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
INTERIM FIRE CHIEF CHRIS HAWKINS (AT 7:10 P.M.)
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SHOP FOREMAN KELLEY HOOPER
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
SECRETARY SUSAN STEWART
CITY ATTORNEY FOR 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 28, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

The pledges of allegiance to the United States and the Texas Flags were recited.

4. READING OF PROCLAMATION(S) BY MAYOR:

None.

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.

- A. MINUTES OF CRIME FORUM & COUNCIL MEETING MAY 14 , 2013
- B. BILLS PAYABLE FOR PERIOD ENDING MAY 28, 2013
- C. APPROVAL OF RESIGNATION OF DUSTIN MOREN AS POLICE OFFICER
- D. RATIFY RECOMMENDATION FOR CINDY KARLE AS PART TIME DISPATCHER
- E. RATIFY MAYOR'S RECOMMENDATION TO HIRE TERRY SARGENT FOR BUILDING MAINTENANCE.

F. APPROVAL OF ORDINANCE # 983-2013 APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION (REGARDING ACTION TAKEN ON MAY 14TH).

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

6. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF AGREEMENT WITH TARRANT COUNTY FOR ASSESSMENT AND COLLECTION OF AD VALOREM TAXES LEVIED BY THE CITY.

CS Gregory presented the agreement for Tarrant County to collect property taxes for the City at a cost of \$1.10 per property tax account, which is \$0.20 more than last year per account.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve the agreement with Tarrant County for assessment and collection of ad valorem taxes levied by the City. All voted "Aye."

8. CONSIDER APPROVAL FROM STAFF TO WAIVE DISCONNECTION CHARGES FOR SENIOR CITIZENS

CS Gregory stated that the Utility Code provides that elderly account holders (60 years of age or older) may file for a delay of payment and pay their utility bill on the final due date without a late fee charge. These accounts are still subject to disconnection and the disconnection fee applies if the account is not paid by the final due date. Staff explained that the Incode system only generates a late notice for accounts that are subject to the late fee. CS Gregory stated that state statute only requires one notice but as a courtesy, Staff has been sending reminder notices to these exempted accounts when the regular late notices are mailed. This cycle, Staff forgot to send the courtesy notice and therefore requests that the disconnection fee for 4 elderly individual accounts holders be waived. Discussion occurred that resulted in the determination not to waive the \$25 disconnection fee for **all** elderly individuals who have filed the request.

CM Butler moved, seconded by CM Ashton, to waive the disconnection charges for the 4 senior citizens. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON BUILDING OFFICIAL'S ORDER TO STOP WORK ON SUBSTANDARD PROPERTY AT 604 FRONTIER UNDER BOARD OF APPEALS ORDERS.

Inspector Sanders reported that no progress has been made since the original substandard order was given. Upon the request of the Police Department, staff entered the property to find

one of the owners in the backyard removing the covering from some copper wiring. It was reported that the copper wiring was not from this property. Due to the lack of progress and occupants in the building at all hours of the day, the building official issued a stop work order.

CA Elam stated that the attorney for the bank is aware of the stop work order and has relayed the information to the bank. Elam added that the mortgage documents may give the authority for the bank to step in.

Inspector Sanders reported the underground wiring from the garage has been removed at this location.

CA Elam stated that the occupants are in violation of the substandard order by occupying the structure after 10:00 p.m.

Much discussion occurred related to the authority of the police department to issue citations for code violations after business hours.

It was determined that the owner could obtain a building permit and begin working on the substandard violations if satisfactory proof of the ability to begin (such as materials, tools, etc) was shown.

This property will be presented at the next regular meeting of the City Council to consider an amended order.

No action was taken.

10. CONSIDER APPROVAL OF EMERGENCY PIPEBURSTING BEHIND PROPERTIES IN THE 5200 BLOCK OF OHIO GARDEN RD.

PWD Hatley requested \$27,989 to perform the emergency pipebursting on the sewerline in the 5200 block of Ohio Garden Road.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the emergency pipebursting behind the properties in the 5200 block of Ohio Garden Road. All voted "Aye."

11. CONSIDER APPROVAL OF ENGINEERING AND OF A DRAINAGE PROJECT ON SHEAR DRIVE AND WORTHVIEW AS RECOMMENDED BY THE STORM WATER TASK FORCE.

PWD Hatley summarized a drainage issue on Shear Drive by the middle school. The northwest corner of Worthview and Shear has virtually no fall and does not properly drain. In addition, the school property drains to a street inlet at the corner of Harrisdale and Shear that was believed to be connected underground to an inlet across Shear which was full of dirt and debris. Once cleared of the debris, it was discovered that the inlet has been capped off and does not have any underground drainage to Churchill. The recommendation of the Storm Water Task Force is to install street drain inlets on Worthview and inlets on Shear between Worthview and Harrisdale that would connect with an underground culvert that would then drain to Churchill.

The estimated cost of the project is \$86,500, with the school agreeing to pay for the curb and gutter.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the engineering and the drainage project on Shear Drive and Worthview as recommended by the Storm Water Task Force. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON COMMITTEE RECOMMENDATIONS FOR A DEDICATION CEREMONY FOR COMMUNITY CENTER.

Mayor Earwood explained that the proposed design for the plaque was derived from the plaques on the side of City Hall. It was suggested that the information under the River Oaks Logo be removed and the "purchased for future" be removed. It was suggested that the design be similar to the ones on the front of City Hall and the Police Department.

CM Butler moved, seconded by CM Crews, to approve the plaque for the Community Center Dedication removing "purchased for future", and everything below the River Oaks Logo, leaving the River Oaks Texas Logo at the bottom of the plaque as discussed. All voted "Aye."

13. CONSIDER APPROVAL OF ADDENDUM TO VERSA TRUST CONTRACT FOR COMPUTER IT SERVICE.

CS Gregory presented the option to add the Library to the current agreement for IT services at \$110 per month. CS Gregory affirmed that there is not a contract with current provider, Micro-Age. CS Gregory also mentioned remote access for all 70 work stations at a cost of \$700 per month. It is anticipated that remote access could reduce travel time and actual on site time.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve the addendum to the Versa Trust Contract for computer IT service to include the Library at an additional \$110 per month. All voted "Aye."

Staff was directed to verify that the police department would be able to use the remote access due to security concerns.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

14. **PUBLIC HEARING CONTINUED FROM MARCH 26, 2013:** Substandard Enforcement Action regarding STRUCTURE(s) located on the Property at **809 GUSTAV ST.**

This public hearing is continued from March 26, 2013.

CS Gregory reported that this property was to go for sale on the court house steps in early May and Staff has only had contact with a contractor that was bidding to perform the repairs. Inspector Sanders reported that no improvements have been made. Staff will perform an additional title search to verify if the ownership has changed.

Mayor Earwood announced that this public hearing would remain open and be continued on June 11, 2013 at 7:00 p.m.

15. **ACTION FROM PUBLIC HEARING:** Consider Council Orders on the property at **809 GUSTAV ST.** that may include securing, vacating of occupants, removal, repairing or demolition of STRUCTURE(s) OR ADOPTION OF RESOLUTION IMPLORING 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:

16. CONSIDER APPROVAL OF **RESOLUTION #768-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR TO HOLD AN ALL AMERICAN CELEBRATION ON THE PARKING LOT AT 5116 RIVER OAKS BLVD. (SUPER SAVE GROCERY STORE)

Community Center Director Shirley Wheat gave an update on the All American Celebration. There will be no vendors. There will be entertainment, fundraisers benefitting the high school band, and games. CA Elam stated that the agreement for one of the rides is not sufficient. Staff will redraft the agreement, releasing the City of any liability.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Resolution #768-2013. All voted "Aye."

17. CONSIDER APPROVAL OF **RESOLUTION #769-2013** AUTHORIZING REPRESENTATIVES OF THE CITY TO TRANSMIT AND/OR WITHDRAW FUNDS FOR INVESTMENT IN TEXPOOL.

Agenda items 17 and 18 were discussed concurrently. These resolutions are necessary to authorize signatures on the city's banking accounts due to the change in the Mayor Pro Tem position.

CM Holland moved, seconded by CM Butler, to approve Resolution #769-2013 and Resolution #770-2013. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION #770-2013** AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY'S BANK ACCOUNTS.

Agenda items 17 and 18 were discussed concurrently. These resolutions are necessary to authorize signatures on the city's banking accounts due to the change in the Mayor Pro Tem position.

CM Holland moved, seconded by CM Butler, to approve Resolution #769-2013 and Resolution #770-2013. All voted "Aye."

19. CONSIDER APPROVAL OF **ORDINANCE NO. 982-2013** AMENDING ARTICLE 12.07 "OBSTRUCTIONS" SPECIFICALLY IN DIVISION 1 "GENERALLY" PROVIDING PROHIBITIONS

AGAINST PORTABLE RECREATION EQUIPMENT BEING PLACED UPON ANY PUBLIC STREET WITHIN THE CITY.

Mayor Earwood stated that the ordinance prohibiting basketball goals at the street has been revised as requested at the last meeting.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #982-2013. All voted "Aye."

20. CONSIDER APPROVAL OF **RESOLUTION # 771-2013** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2012-2013 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING).

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution #771-2013, first reading. All voted "Aye."

STAFF REPORTS:

21. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

Inspector Sanders gave the following updates:

- 1129 ST. EDWARDS – In compliance and will be released once the \$1375 for cleanup fees is paid.
- 1205 CHURCHILL – Active permits with progress. This project should be complete next week.
- 1619 YALE – Released and removed from substandard.
- 809 GUSTAV – See agenda items 14 and 15.
- 604 FRONTIER ST. – See agenda item 9.

22. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 1463 LONG – owners intend to permit and correct the violations.
- 5401 POMONA – Result of a fire, active permits with continual progress.
- 5612 N. SCHILDER – Tenant has moved, new owner has been notified.
- 1221 & 1223 ROBERTS CUT OFF RD. – Commercial property. The owner has expressed that he is not ready to comply.

- 500 FRONTIER – Staff has abated the exterior junk and debris and boarded up the house.

23. REPORT OF PROPERTIES RELEASED FROM SUBSTANDARD

- 620 WORTHVIEW – In compliance, release from substandard.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

24. POLICE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED

PC Carter reported that flags will be installed on the stop sign at the corner of River Oaks Boulevard and Black Oak.

PC Carter responded to an inquiry, stating that Officer Moren, who has accepted a position with Sansom Park Police Department, has been with River Oaks for six years. He is leaving for a promotion. Ten applications were accepted to fill the open positions with six or seven remaining after the physical agility test. Applications are being accepted for the open dispatch position.

No action was taken.

25. FIRE DEPARTMENT REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion or action.

26. **INSPECTIONS AND CODE COMPLIANCE** MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED

No discussion or action.

27. **LIBRARY MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE

No discussion or action.

28. **MUNICIPAL COURT** INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES

No discussion or action.

29. **PUBLIC WORKS MONTHLY ACTIVITY REPORT** INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER

OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS

No discussion or action.

30. **PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

No discussion or action.

31. **COMMUNITY CENTER ACTIVITY REPORTS** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

No discussion or action.

32. **CITY SECRETARY MONTHLY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX

No discussion or action.

33. **EDC MONTHLY ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS

No discussion or action.

34. **STORM WATER TASK FORCE MONTHLY ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

No action was taken.

PUBLIC FORUM:

35. 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 DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. NO COUNCIL DELIBERATION IS PERMITTED

Mayor Earwood announced that Castleberry Elementary has obtained a temporary certificate of occupancy in order to move items into the new building, not to occupy.

Mayor Earwood requested that Emergency Management be added to the monthly reports.

EMC Myrick announced that approximately 3-4 weeks remain for the potential severe weather season.

EMC Myrick suggested that smartphone users install the American Red Tornado Application.

Mayor Earwood announced that there have been no positive mosquito tests for West Nile Virus so far this year. EMC Myrick stated that the mosquito season generally begins in late May and accelerates through August. Mayor Earwood expressed appreciation to EMC Myrick, stating that Mayor Price was impressed with the emergency management program in place, considering the size of the City.

CM Crews requested that the library report include the number of patrons. CM Holland requested that the report include a monthly history for comparison.

CM Holland mentioned the emergency sirens. Discussion occurred that led to FC Hawkins making a statement to take cover if the siren sounds.

EXECUTIVE SESSION:

36. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney: **Advice from City Attorney regarding possible litigation on February 6, 2013 jail incident.**
- b. Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- c. 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.
- d. Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

38. ADJOURN

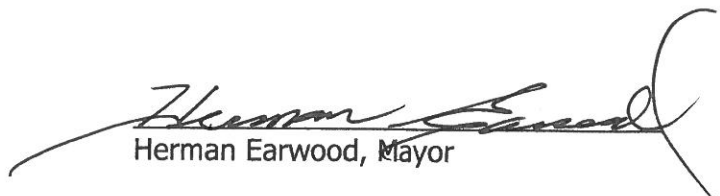
At 8:56 p.m. CM Ashton moved, seconded by CM Crews, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor