

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 24, 2013**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

MAYOR HERMAN EARWOOD - PERSONAL

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
FIRE CHIEF CHRIS HAWKINS
CODE COMPLIANCE JOHN PAUL JONES
EMERGENCY MGMT COORD JAMES MYRICK
RECORDING SECRETARY CELINA MORENO

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Joann Gordon called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, September 24, 2013, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD James Hatley delivered the Invocation.

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

EMC James Myrick led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR PRO TEM:

Mayor Pro Tem Gordon read Proclamation for 30th Annual National Night Out, October 1, 2013.

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 REGULAR COUNCIL MEETING SEPTEMBER 10, 2013
- B. BILL PAYABLE FOR PERIOD ENDING SEPTEMBER 24, 2013
- C. APPROVE CONTRACT FOR EMERGENCY FIRE DISPATCH WITH TARRANT COUNTY FIRE ALARM
- D. RATIFY RESIGNATION OF SANDRA ECHOLS AS A FULL TIME POLICE DISPATCHER

CM Crews pointed out a correction needed to be made to the Council Meeting Minutes from Sept 10, 2013; on page 9, replace Heineken with Hannifin and CM Ashton pointed out that he was left off of page 1 but CM Joe Crews on posted twice.

CM Butler moved, seconded by CM Ashton to approve consent agenda items A, B, C and D with a couple of corrections on A. All voted "Aye"

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST FROM ELIZABETH COALE BASS AT 616 MERRITT ST. TO WAIVE WATER DEPOSIT FEE AND CERTIFICATE OF OCCUPANCY PERMITTING.

[At 7:07 pm CM Butler left the dais having filed a conflict of interest from with the city secretary.]

Elizabeth C Bass, stated that if a waiver was not granted for water deposit and Certificate of Occupancy Permit it would create a financial hardship.

CS Gregory stated that when Mrs. Bass came to city hall to inquire about the account, it was noticed that her name was not on the account so she was instructed she had to open new water service since TW Coale had passed and the Water department was not notified. He also stated that the original deposit was for \$5.

Mayor Pro Tem Gordon asked what the deposit was back in 1995 when Mrs. Bass would have had to open new service. She also recommended that her case be treated as if it were 1995.

CS Gregory stated that in 1995 a water deposit cost \$65. Mayor Pro Tem Gordon recommended that a waiver be issued for the Certificate of Occupancy since it was not required in 1995.

CM Ashton moved, seconded by CM Holland to waive fee for Certificate of Occupancy and reduce the deposit fee to what it was in 1995. All voted "Aye"

[At 7:19 pm CM Butler returned to the dais.]

8. CONSIDER APPROVAL OF RECONCILIATORY FINAL CHANGE ORDER ON LONG WATER LINE PROJECT IMPROVEMENTS (ENGINEER PROJECT NO. 023-026).

CS Gregory presented the final Change Order No. 2, which cost an additional \$750.00.

CM Holland moved, seconded by CM Crews to approve the Reconciliatory final change order on Long water line project improvement. All voted "Aye"

9. CONSIDER AMENDING COUNCIL ORDERS ON CERTIFICATE OF OCCUPANCY COMPLIANCE BY DORA SMITH FOR 916 GILLHAM RD.

Dora Smith's daughter requested a six month extension on the demolition because they are doing the work themselves and due to her illness the process is going slow.

Mayor Pro Tem Gordon requested if maybe Christmas in Action could help. Code Inspector Sanders stated he would look into that.

CM Holland recommended a progress report back in three months.

CM Crews recommended a total of 6 months with a monthly report due. Mayor Pro Tem Gordon recommended seeing the owner back in January with adequate improvements.

CM Crews moved, seconded by CM Butler to approve a six month extension with a review in January to show progress. All voted "Aye"

10. CONSIDER APPROVAL OF BUSINESS ASSOCIATE AGREEMENT WITH T.O.A.S.E. REQUIRED UNDER HIPPA.

City Attorney Elam stated since she is a party to this Agreement, she cannot provide any advice to the City regarding the Agreement, but did state the agreement was necessary in order to comply with "HIPAA"

CM Ashton moved, seconded by CM Crews to approve the Business Associate Agreement with T.O.A.S.E. required under HIPPA. All voted "Aye"

11. CONSIDER APPROVAL OF CONTRACT WITH NIGHT LINE JANITORIAL SERVICE FOR CITY COMPLEXES.

CS Gregory stated that Night Line Janitorial was the lowest bid. Their references have been checked and are good but security checks are still pending.

CM Crews stated that Sonlight Cleaning Service looked very professional and he didn't see a proposal from Night Line Janitorial. CS Gregory stated the price between both was significantly different.

CM Crews moved, seconded by CM Ashton to approve contract with Night Line Janitorial Service. All voted "Aye"

PUBLIC HEARING / ACTION FROM PUBLIC HEARINGS:

12. CONSIDER APPROVAL OF **RESOLUTION NO. 779-2013** ADJUSTING THE COMMERCIAL SOLID WASTE COLLECTION RATE FOR COMMERCIAL DUMPSTERS AND PROVIDING AN EFFECTIVE DATE.

CS Gregory stated that only rate increase for FY 2014 Budget was for commercial solid waste collection by Progressive. They are passing along a 2.1% increase for commercial collection and disposal. CS Gregory stated that he increased some of our dumpster rates minimal since we have not passed the last 3 rate increases from Progressive on to our commercial customers. The increase is less than 1%.

CM Holland asked if he was sure to have looked at each account and CS Gregory stated he had.

CM Crews moved, seconded by CM Butler to approve Resolution No. 779-2013. All voted "Aye"

13. CONSIDER APPROVAL OF **ORDINANCE NO. 998-2013** AMENDING ARTICLE 3.07 "SUBSTANDARD AND DANGEROUS BUILDINGS; PROPERTY MAINTENANCE" OF THE RIVER OAKS CODE OF ORDINANCES, SECTION 3.07.015 (c) (3) "MULTIPLE FAMILY BUILDINGS" SPECIFICALLY UNDER SECTION 3.07.015(c)(3)(A) BY INCORPORATING THE PROVISION THAT APARTMENTS WITH INDIVIDUAL ELECTRIC SERVICE BE INSPECTED WHEN VACATED AND AMENDING SECTION 3.07.015 BY INCORPORATING SECTION 3.07.015(g) "DUPLICATE INSPECTIONS"

CS Gregory stated that staff is recommending that the code be changed which in fact would provide that all residential dwellings that are individually metered like the apartments on Barbara and Springer are, be inspected every time they are vacated, unless there is a single meter to the apartments and then it is next to impossible to be able to know when they are vacated, so staff recommends they remain to be inspected annually. Inspector Sanders reported that there are no longer any apartment units in River Oaks that aren't individually meter.

Gregory also stated the ordinance will also provide for the duplicate inspection provision for Residential Certificate of Occupancy Inspections that is currently in the commercial annual inspection requirement but is not in the residential.

CM Butler moved, seconded by CM Ashton to approve Ordinance No. 998-2013. All voted "Aye"

14. CONSIDER APPROVAL OF **ORDINANCE NO. 999-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE (IFC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda item #18

15. CONSIDER APPROVAL OF **ORDINANCE NO. 1000-2013** ADOPTING THE 2012 EDITING OF THE INTERNATIONAL BUILDING CODE (IBC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda item #18

16. CONSIDER APPROVAL OF **ORDINANCE NO. 1001-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE (IPC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda item #18

17. CONSIDER APPROVAL OF **ORDINANCE NO. 1002-2013** ADOPTING THE 2012 EDITING OF THE INTERNATIONAL MECHANICAL CODE (IMC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda item #18

18. CONSIDER APPROVAL OF **ORDINANCE NO. 1003-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FUEL GAS CODE (IMC) AND LOCAL AMENDMENTS.

No discussion occurred.

CM Crews moved, seconded by CM Butler to approve Ordinance 999-2013 – Ordinance 1003-2013. All voted "Aye"

19. CONSIDER APPROVAL OF **ORDINANCE NO. 1004-2013** AMENDING ARTICLE 13.02 "UTILITY POLICY" DIVISION 4 "SANITATION COLLECTION POLICY" OF THE RIVER OAKS CODE OF ORDINANCES INCORPORATING SECTION 13.02.113 "POLICIES" (8) "CURBSIDE RECYCLING"

Emergency Mgmt Coord James Myrick stated that the recycling program is set to start Oct 30, 2013. He invited everyone to attend the Oct 15th meeting that will be held at the Community Center.

CS Gregory stated that the recycling bags will be sold at the City Hall for 25-cents each during the working hours of 8 am – 5 pm. He stated that only the specified blue bags purchased from the city can be used for recyclables and all other bags will be treated as trash. The service will only be scheduled for Wednesdays. City employees will dump the contents of the bags of recyclables into the dumpster located on the city lot on Ohio garden specified for that purpose.

CM Crews recommended that all recyclable items be crushed as much as possible. FC Hawkins recommended that the recycle bags should be available for purchase somewhere after hours. It was stated that the Library is open until 8:00 P.M. on Mondays and recycle bags can also be available there.

CM Crews moved, seconded by CM Butler to approve Ordinance No. 1004-2013. All voted "Aye"

20. CONSIDER APPROVAL OF **ORDINANCE NO. 1005-2013** APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION.

CS Gregory stated that the negotiated resolution between Atmos Cities Steering Committee and Atmos Energy Corp. reflect the rate increase of \$22.7 million which will increase the Company's revenues by \$16.6 million. This rate increase will go in effect November 1, 2013.

CM Holland moved, seconded by CM Crews to approve Ordinance No. 1005-2013. All voted "Aye".

STAFF REPORTS:

21. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 809 GUSTAV – The contractor through Bank of America was working without permits and was stealing water.
- 604 FRONTIER ST. - is unoccupied. The bank has a lean but it's not foreclosed yet.
- 933 CARONDOLET - is being cleaned up.
- 5016 WHITE OAK LANE – after a misunderstanding, the owner will return to continue the cleanup this next weekend.

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

- 1463 LONG – Permits expire 10/17/2013 they are currently working on it.
- 5401 POMONA – Still have current permits.
- 1221 ROBERTS CUT OFF RD. – Church recently bought this property and is planning on demolishing the structure.

- 1223 ROBERTS CUT OFF RD. - Has new owner.
- 500 FRONTIER – Permits are close to expiring. Staff will follow up and if need be will bring it to the council later for the public hearing in order to issue final orders.

23. **UPDATE FROM FIRE DEPT. PLANNING COMMITTEE REGARDING FIRE SERVICE**

CM Holland stated that they have been scheduling meetings with sister cities in regards to their Fire Service Systems.

Mayor Pro Tem Gordon stated that they are looking for the best possible solution for the Fire Department and every effort is being made within the frame of our resources and we will soon bring our recommendations forward.

24. **STAFF UPDATE ON WARD OF T.E.R.P. GRANT AND THE PURCHASE OF 2014 TRUCKS UNDER THE GRANT.**

CS Gregory stated that once we get the truck, payment in full will be made before rebate is applied. Mayor Pro Tem Gordon asked what it would cost to place the City logos on it.

CS Gregory stated that it's anticipated to spend no more than \$200 on logos.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

25. **POLICE DEPT. MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

Police Chief Carter stated that National Night out is October 1, 2013 and everyone is invited. There will be free food and fingerprinting for kids.

He also stated that he received a letter from City Attorney Elam in reference to possible changes regarding Tasers used by law enforcement.

26. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

No Discussion.

27. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBERS OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

No Discussion.

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

No Discussion.

29. **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.

30. **PUBLIC WORKS ACTIVITY REPORTS** 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.

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

No Discussion.

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

No Discussion.

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

No discussion.

34. **EDC ACTIVITY REPORT** INCLUDING RUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS.

No discussion.

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

No discussion.

36. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING.

No discussion.

PUBLIC FORUM:

37. 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 EXITING POLICY ON THAT ISSUE, OR DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. **NO COUNCIL DELIBERATION IS PERMITTED**

EXECUTIVE SESSION:

38. 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 substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena Rd.
- 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, evacuation, 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:

39. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

40. ADJOURN

CM Crews recommended starting on workshops regarding next year's budget.

Mayor Pro Tem Gordon stated that Pam Mundo came up with the concept and it's proven to be a big success to have a regional meeting of the local EDC's and the first meeting was held in River Oaks, and most recently in Lake Worth. They will meet again in January in Westworth Village.

CM Ashton encouraged the use of the word "conversant".

At 8:47 p.m. CM Crews moved, seconded by CM Ashton to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary