

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 25, 2013**

MEMBERS PRESENT:

MAYOR PRO TEM JOANN GORDON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND (7:35 P.M.)
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER JOE ASHTON

MEMBERS PRESENT ABSENT:

MAYOR HERMAN EARWOOD

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF CHRIS HAWKINS
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SHOP FOREMAN KELLEY HOOPER
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
PARK BOARD CHAIRMAN HUB MAKARWICH
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Gordon called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, June 25, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Pro Tem Gordon announced that Mayor Earwood would be absent.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

CM Butler led the pledges of allegiance to the United States and the Texas Flags.

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 COUNCIL MEETING JUNE 11 , 2013

B. BILLS PAYABLE FOR PERIOD ENDING JUNE 25, 2013

C. RATIFY POLICE CHIEF APPROVAL TO HIRE ROBERT WOOD AS A FULL TIME POLICE OFFICER

D. CONSIDER **RESOLUTION # 773-2013** AMENDING **RESOLUTION # 765-2013** THAT APPROVED THE SALE OF THE SURFACE ESTATE ONLY AT 811 CHURCHILL

Mayor Pro Tem Gordon removed consent agenda item D for discussion

CM Ashton moved, seconded by CM Butler, to approve consent agenda items A, B, and C. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

5. D. CONSIDER **RESOLUTION # 773-2013** AMENDING **RESOLUTION # 765-2013** THAT APPROVED THE SALE OF THE SURFACE ESTATE ONLY AT 811 CHURCHILL

Charles Brady, representative for Purdue, Brandon, Fielder, Collins, and Mott was present to relay a decision from the Tarrant County District Attorney's office that municipalities cannot reserve the mineral rights for properties struck off to them. Mr. Brady explained that his firm has provided Tarrant County with an advisory opinion that was based on an Attorney General opinion that was interpreted to allow municipalities to reserve those mineral rights. This resulted in the Tarrant County District Attorney's office requesting an opinion from the Attorney General's office. Mr. Brady stated that the purchaser would like to move forward with this purchase and therefore, the proposed resolution does not retain the mineral rights for the City.

CM Crews made a motion, seconded by CM Ashton, to repeal Resolution #765-2013 and adopt Resolution #773-2013. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CITIZEN APPEARANCE OF JUDY MOORE AT 1613 HILLSIDE DRIVE REQUESTING THE DEPOSIT AND CERTIFICATE OF OCCUPANCY PERMIT FEES BE WAIVED

Judy Moore, 1613 Hillside, was present to request the water account be changed into her name without an additional deposit or certificate of occupancy inspection. She explained that the property has been in her name since her divorce many years ago and she has never vacated the residence.

CS Gregory recommended the deposit and the inspection be waived under these circumstances.

CM Butler moved, seconded by CM Ashton, to waive the water deposit and certificate of occupancy for Judy Moore at 1613 Hillside Drive. All voted "Aye."

8. CONSIDER REQUEST BY STEVE LAVAEDDIN FOR COUNCIL TO CONSIDER A SETTLEMENT OFFER REGARDING DELINQUENT WATER ACCOUNT FOR LEGEND ASSET MANAGEMENT AT HIDDEN OAKS APARTMENTS FINALED ON OCTOBER 16, 2012

[CM Ashton left the dais, having filed a conflict of interest form with the City Secretary's office.]

CS Gregory explained that the corporation on the water account at the Hidden Oaks Apartments has dissolved and the partners have offered \$3,000 to settle the final bill of \$5,023.21. CS Gregory expressed concern over the percentage that goes to the collection agency.

CM Crews expressed concern over a statement in the email indicating that city staff had not responded to communication from the firm. CM Ashton pointed out that Kristina was on maternity leave at the time the email says she acknowledged their communication. CM Crews again expressed a concern related to procedures of city staff.

CM Crews moved, seconded by CM Butler, to accept the offer of Steve Lavaeddin of \$3,000 and remove the remaining debt. All voted "Aye" with CM Ashton abstaining from the vote.

[CM Ashton left returned to the dais.]

9. DISCUSSION AND/OR ACTION ON REQUEST BY LEE MORALES ON THE PROPERTY AT 1428 BYRD REGARDING REMOVING A 2001 LIEN RECORDED ON THAT PROPERTY

Lee Morales, 1428 Byrd, stated that he discovered a \$700 lien on his property from 2001 for mowing the alley way when attempting to sell his house. He explained that he thought Lee Ann Evans had made arrangements to pay the invoice and assumed she had done so. When contacting City Hall he was told the amount is now \$1700 including interest. CS Gregory stated that the \$300 administrative penalty was assessed by previous staff and is not supported by the code of ordinances. CS Gregory gave a revised recommended amount of \$465 plus the interest for a total of \$1030.75.

At 7:32 p.m. CA Elam requested the Council convened into executive session under Section 551.071 to seek advice from the attorney on a posted agenda item.

At 7:35 p.m. CM Holland arrived and immediately went into executive session.

At 7:36 p.m. the Council reconvened into regular session.

CM Ashton moved to remove the lien due to the homestead exemption on the property since 1998. No second, motion failed.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to reduce the amount of the lien to \$1,030.75 for the \$465 plus the interest for 12 years.

CM Crews recommended the lien be reduced to the original bill amount of \$465.

CM Butler, CM Holland, CM Crews, and Mayor Pro Tem Gordon voted "Aye." CM Ashton voted "Nay."

10. CONSIDER APPROVAL TO EXPEND ADDITIONAL FUNDS FROM THE CITY'S MINERAL REVENUES IN ORDER TO CCTV SYSTEM REPAIR AND UPGRADE AT THE COMMUNITY CENTER

Much discussion occurred related to the request and the goals of the security system that led to staff being directed to conduct additional research and include security cameras at McGee Park and Wooldridge Park with all security cameras monitored at the police department.

No action was taken.

11. CONSIDER APPROVAL OF 2013 BOARD APPOINTMENTS AS RECOMMENDED BY THE MAYOR

CS Gregory presented the 2013 board appointments as recommended by the Mayor.

CM Crews moved, seconded by CM Butler, to approve the board appointments. All voted "Aye."

12. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH AT&T FOR CELLULAR PHONE SERVICE FOR THE CITY

CS Gregory explained that Sprint has not delivered the service as promised three years ago with some bad reception and dead zones in the City. The changeover to AT&T would impact this year's budget by approximately \$2,000 with the purchasing of new phones and reducing the number of phones currently in use.

CM Holland moved, seconded by CM Crews, to enter into an agreement with AT&T for cellular phone service. All voted "Aye."

13. CONSIDER APPROVAL OF REQUEST BY PWD HATLEY TO PURCHASE THE ORION CE MOBILE METER READING SYSTEM

PWD Hatley requested to participate in a pilot program that would allow the meter reader to drive down a street and obtain the meter readings without leaving the vehicle. The pilot program would provide 24 meter caps. The plan is to purchase additional units (\$135 each) each budget year for a total of approximately \$378,000. CA Elam suggested that this item be competitively bid using the best value method in order to comply with the competitive bidding process. Staff will conduct additional research and provide additional information at the next regular meeting.

No action was taken.

14. CONSIDER APPROVAL OF DUMPSTER BAG PROGRAM AS PRESENTED BY PWD HATLEY

PWD Hatley gave an update on the "bagsters" stating that the total cost to the consumer including the bag and pickup would be approximately \$120 and would be handled similarly to the oversized brush pile process.

No action was taken.

15. CITY ATTORNEY REPORT ON ACTIONS TO BE CONSIDERED UNDER THE SUBSTANDARD BUILDING ORDER ON THE SUBSTANDARD PROPERTY AT 809 GUSTAV

CA Elam reported that this property is transferring to HUD and is not eligible for the Bank of America rehabilitation program. CA Elam explained that civil penalties cannot be assessed on this property due the transfer to HUD.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF **RESOLUTION # 772-2013** SUPPORTING MONITORING AND NOTIFICATION OF OBSTRUCTIONS AFFECTING NORTH CENTRAL TEXAS AVIATION FACILITIES

Rachel Wiggins explained the proposed Resolution that addresses aviation obstruction concerns with cell towers, water towers, wind turbines, etc.

CM Crews moved, seconded by CM Butler, to approve Resolution #772-2013. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE NO. 986-2013** AMENDING ARTICLE 13.03 "WATER SYSTEM, REPEALING SECTION 13.03.012 "WHEN AND WHERE WATER BILLS PAYABLE"

No discussion occurred.

CM Holland moved, seconded by CM Crews, to approve Ordinance #986-2013. All voted "Aye."

18. CONSIDER APPROVAL OF **ORDINANCE NO. 987-2013** OF THE CITY OF RIVER OAKS AMENDING THE 2012-2013 FISCAL YEAR BUDGET FOR CCTV SYSTEM AT COMMUNITY CENTER; AND PROVIDING FOR AN EFFECTIVE DATE

This agenda item will be presented with additional information at the next regular meeting.

No action was taken.

STAFF REPORTS:

19. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

Inspector Sanders gave the following updates:

- 809 GUSTAV – See agenda items 15.
- 604 FRONTIER ST. – The council order expired on June 24, 2013. Staff is allowing 30-days for the Lienholder to comply.

20. **REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 1463 LONG – The owner has paid the substandard fee and obtained a permit that expires September 17, 2013
- 5401 POMONA – This property sustained fire damage and has active permits with continual progress.
- 5612 N. SCHILDER – This property will be presented to the Council for an order in July.
- 1221 & 1223 ROBERTS CUT OFF RD. – This property is under contract to be sold and will be presented to the Council for an order in July if work is not started.
- 500 FRONTIER – This property has been sold and the new owner will be allowed time to obtain compliance.
- 5016 WHITE OAK – The building official will order the property repaired once the title search has been received.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

21. 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 the hiring of Officer Robert Wood. PC Carter introduced Officer Tim Whitley. PC Carter reported that the dispatcher who was hired resigned after two days.

Hub Makarwich asked if Roberts Cut Off would be striped before school starts. PC Carter responded that he has recommended it but has not met with the school.

PC Carter reported that two officers are currently attending "Active Shooter Instructor School".

No action was taken.

22. FIRE DEPARTMENT REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

FC Hawkins announced Steve Sanders as the new assistant fire chief.

FC Hawkins reported an increase in call volume.

No action was taken.

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

CM Holland pointed out that the number of code violations and code inspections has decreased. CS Gregory explained that one of the code officers was in school and the code officers were used to relocate the playground equipment from the elementary school.

No discussion or action.

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

CM Holland noted that the library's report provides a view of activity by day. He requested that the report include a historical view by month and year for comparison using a rolling total similar to the other monthly reports. CM Crews added that he had requested the number of patrons visiting the library. Mayor Pro Tem Gordon requested that the number of people using the computers be added to the report also.

No action was taken.

25. 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.

26. 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.

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

No discussion or action.

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

CM Crews pointed out that the Community Center report indicates a violation of the 70/30 policy with the city acquiring debt for the event. Nancy Crews added that cash prizes were given which also violates the policy.

No action was taken.

29. 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.

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

Mayor Pro Tem Gordon reported "phenomenal" progress with the Economic Development Corporation.

No action was taken.

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

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

No action was taken.

PUBLIC FORUM:

33. 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

Hub Makarwich stated that some of the banners on the boulevard are torn and require attention.

CM Ashton announced that the RCC would meet in White Settlement on July 1, 2013 at 1:30 p.m.

EXECUTIVE SESSION:

34. 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:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- 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

Refer to agenda item number 9.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Refer to agenda item number 9.

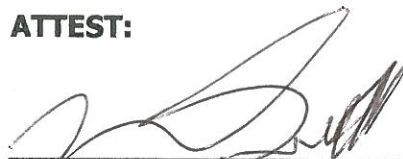
ADJOURN:

36. ADJOURN

At 8:52 p.m. CM Butler moved, seconded by CM Crews, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



JoAnn Gordon, Mayor Pro Tem