

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 8, 2014**

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
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
RECORDING SECRETARY SUSAN STEWART

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, July 8, 2014 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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION**

- A. MINUTES OF JUNE 24, 2014 COUNCIL MEETING
- B. MINUTES OF JUNE 28, 2014 SPECIAL COUNCIL MEETING
- C. MINUTES OF JULY 1, 2014 SPECIAL COUNCIL MEETING
- D. BILLS PAYABLE FOR PERIOD ENDING JULY 8, 2014 (FY 2014)
- E. RESIGNATION OF MICHAEL RICE IN THE PUBLIC WORKS DEPT.
- F. APPROVE ALEJANDRO "ALEX" GARZA AS RESERVE POLICE OFFICER

G. APPROVE RECOMMENDATION FOR APPOINTMENTS TO E.D.C. BOARD

CM Gordon presented the recommendation of the EDC Board to appoint Mayor Herman Earwood and Business Owner / Citizen Don Istook to the EDC Board.

H. APPROVE RECOMMENDATION TO TERMINATE AGREEMENT WITH MUNDO & ASSOCIATES FOR ECONOMIC DEVELOPMENT.

CM Ashton moved, seconded by CM Butler, to approve consent agenda items A, B, C, D, E, F, G and H. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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 TO PURCHASE THE JUSTIFIED AUTOMATED COLLECTIONS KIOSK FOR COURT/UTILITY PAYMENTS EXPENDED FROM COURT TECHNOLOGY FUNDS SUPPORTED BY ORDINANCE 1034-2014

Micki Klein described a collection kiosk that would post payments directly to the INCODE system for court and utility payments. CS Gregory reported a projected reduction in overtime in both departments as well as the finance department with the utilization of the kiosk. The kiosk would offer the convenience of 24-hour payment availability for customers. The cost of the yearly maintenance is anticipated to be approximately \$6,000. Technical support would be available remotely as well as from the corporate office which is about 45 minutes away. Security cameras and lighting are included. It was decided that Staff would check with other municipalities that use the kiosk and INCODE and report back to the Council.

No action was taken.

8. CONSIDER APPROVAL OF REQUEST BY MARGARET (SIMS) RAUSH TO WAIVE THE CERTIFICATE OF OCCUPANCY INSPECTION, INSPECTION FEE AND WATER DEPOSIT FEE ORIGINALLY PAID IN 1942 AT 5129 PENROD CT.

Margaret Raush verified that she has occupied the house that she had inherited from her mother since 2008. Mrs. Raush expressed concern that the repairs required on the Certificate of Occupancy are around \$1,200. CM Butler suggested waiving the fees and/or requirements to repair the property.

Mayor Pro Tem Holland moved, seconded by CM Gordon, to deny the request to waive the fees and inspection and to allow up to six months for the completion of the repairs. 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 JAMES SCARBER REPRESENTING FUTURE TELECOM

Brian Bruce, CISD representative, explained that a main fiber line is damaged and needs to be replaced. The line is in the Blackstone, Shearer, Harrisdale area and provides service to the high school and administration building. CS Gregory explained the right-of-way permit fee is set by the City Council on an individual basis which is typically 2% of the development cost.

Mayor Pro Tem Holland moved, seconded by CM Ashton, to set the fee at 2% of the development cost. All voted "Aye."

10. CONSIDER APPROVAL OF AGREEMENT WITH UNICON SITE MANAGEMENT FOR THE PURCHASE OF EASEMENT FOR GROUND SPACE AROUND THE VERIZON TOWER LOCATED AT 4900 RIVER OAKS BLVD. DESCRIBED BY EXISTING WIRELESS SERVICE PROVIDER LEASES INCLUDING EQUIPMENT FOOTPRINTS AND ACCESS AND UTILITY EASEMENTS

David Garcia, Unison representative, presented the option for Unison to purchase the easement where the Verizon tower is currently located behind City Hall. Unison would pay the City a lump sum up front in the amount of \$105,000 and the City would receive 55% of any lease rate increases to Verizon for the duration of the lease and 55% of any additional carrier leases.

CM Gordon moved, seconded by CM Ashton, to approve the agreement with Unicon Site Management for the purchase of easement for ground space around the Verizon Tower located at 4900 River Oaks Boulevard pending approval by the City Attorney. All voted "Aye."

11. CONSIDER APPROVAL TO WAIVE FINES AGAINST THE SUBSTANDARD PROPERTY AT 1167 GREENBRIER AS REQUESTED BY BARBARA MEECE

Barbara Meece requested any fines be waived related to her mother's property at 1167 Greenbrier. Staff reported the substandard fee that covers publication and notifications related to the public hearing is due in addition to an invoice for the board-up and infestation abatement.

CM Ashton moved, seconded by CM Scott, to waive the substandard fee as requested. CM Ashton, CM Scott and CM Butler voted "Aye." Mayor Pro Tem Holland and CM Gordon voted "Nay." Motion passed.

12. DISCUSSION AND/OR ACTION REGARDING AMENDING THE AUGUST 27, 2013 SUBSTANDARD BUILDING ORDER AS AMENDED REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **933 CARONDOLET**

CEO Jones showed photos of the substandard inspection, stating that structural, electrical, and plumbing violations remained as of July 1, 2014. Jones reported that an administrative search warrant was served on July 2, 2014 to secure the structure for non-compliance with a council order. Jeff McKinney stated that he is in the process of selling the property to an investor. An unidentified male stated his intention to purchase the property, bring it into compliance and sell

it. Mr. McKinney verified that the property is not involved in bankruptcy. It was noted that civil penalties continue to accrue until the property is in full compliance. The prospective purchaser was directed to contact CS Gregory with a plan of action.

No action was taken.

13. DISCUSSION AND/OR ACTION ON THE PROPOSED FY 2014-2015 CITY OPERATIONAL BUDGETS AS PRESENTED BY THE CITY SECRETARY

CS Gregory presented the rough draft of the proposed budget that was inputted into the spreadsheets after meeting with the department heads. The finance committee will meet on July 10, 2014 to discuss salary increases and budget cuts.

No action was taken.

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF RESOLUTION #803-2014 AUTHORIZING REPRESENTATIVES OF THE CITY TO TRANSMIT AND/OR WITHDRAW FUNDS FOR INVESTMENT IN TEXPOOL

No discussion occurred.

CM Gordon moved, seconded by CM Butler, to approve Resolution #803-2014. All voted "Aye."

15. CONSIDER APPROVAL OF RESOLUTION #804-2014 AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY'S BANK ACCOUNTS

No discussion occurred.

CM Gordon moved, seconded by CM Butler, to approve Resolution #804-2014. All voted "Aye."

16. CONSIDER APPROVAL OF ORDINANCE # 1035-2014 AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.032 "DELINQUENT CHARGES", SECTION 13.02.033 "PAYMENT ARRANGEMENTS" AND 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES REVISING THE MINIMUM ACCOUNT BALANCE AND PROVIDING THAT BILLS PAID AFTER 8:00 P.M. WILL NOT BE RESTORED UNTIL THE NEXT BUSINESS DAY

Mayor Earwood suggested that water accounts paid after 5:00 p.m. be reconnected the next business day, thereby eliminating the after-hours reconnection and fees. Mayor Pro Tem Holland pointed out an error in Section 13.02.032 (b), stating that the amount should be \$25.00, not \$10.00. Council Members agreed that the entire utility account balance must be paid prior to reconnection. Staff will make the requested changes and bring back to Council for final approval.

No action was taken.

17. CONSIDER APPROVAL OF **ORDINANCE # 1036-2014** AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" ON LINDA DR. AT ITS INTERSECTION WITH NORTH SCHILDER DR. AND BLACK OAK LANE

PC Carter requested to replace two yield signs with stop signs at North Schilder and Black Oak. Discussion occurred related to "Children at Play" signs and their effectiveness.

CM Ashton moved, seconded by CM Gordon, to approve Ordinance #1036-2014.

Discussion also occurred regarding the impact of "Children at Play" signs when they are placed on multiple streets.

All voted "Aye."

PUBLIC FORUM:

18. 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.**

Community Center Director Shirley Wheat reported about 85 people at the Thursday night jam session.

None.

EXECUTIVE SESSION:

19. 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

None called for.

RECONVENE:

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

21. ADJOURN

At 9:31 p.m. CM Ashton moved, seconded by Mayor Pro Tem Holland, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor