AGENDA
HALTOM CITY COUNCIL MEETING
July 9, 2018 - CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session – 6:00 P.M./Regular Session – 7:00 P.M.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)
- Discussion – Need for possible Charter Review Committee/Election.
- Discussion – Denton Hwy 377 Drainage Channels
- Review and discuss items on the regular agenda of July 9, 2018.

EXECUTIVE SESSION
Chapter 551 of the Texas Government Code
As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:
Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, dissolution/restructuring of the Haltom City Economic Development Corporation, NEO playing fields property, and pending litigation and settlement offers for the following cases:
- Flynn v. Haltom City EDC
- James H. Watson v. City of Haltom City
- Ray Beshirs v. City of Haltom City
- Nicklaus Forrest v. City of Haltom City
- Amer Ozzie v. City of Haltom City

Section 551.072 – Deliberations about Real Property
Deliberation regarding the purchase, exchange, lease or value of real property including NEO playing fields property and property owned or leased by the City, including city buildings.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE – Council Member Bob Watkins

ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho

PRESENTATIONS – 2018 Haltom City Fine Arts Scholarship winners (J. Orebaugh)

REGULAR AGENDA

1. Minutes – Consideration and/or action regarding approval of the Minutes of the meeting of June 25, 2018 Regular Meeting and the June 28, 2018 Budget Meeting. (A. Camacho)


3. Ordinance No. O-2018-022-01 - High Grass – Consideration and/or action to approve Ordinance No. O-2018-022-01, amending Ordinance O-98-044-01 to reflect the adopted fee schedule, update procedures in abating violations of the ordinance to conform with current standards, update ordinance definitions, and provide exemptions. – 2nd Reading (C. Phillips)
4. **T-Mobile Lease Amendment** – Consideration and/or action to authorize the City Manager to execute a lease amendment with T-Mobile for the Loop 820 Tower Lease at 4849 NE Loop 820. (R. Phelps)

**VISITORS/CITIZENS FORUM**

This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker’s Request Form to the City Secretary and follow the instructions listed on the form. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.

**FUTURE AGENDA ITEMS**

5. Discussion on items to be placed on future agendas.

**BOARDS/COMMISSIONS/COMMITTEES**

6. **Resignations of Board/Commission/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members.

7. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees.

**EXCUSED ABSENCE OF COUNCIL MEMBERS**

8. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

**EXECUTIVE SESSION**

See Posting on Page One (1) of Agenda.

**RECONVENE TO REGULAR SESSION**

9. Take any action deemed necessary as a result of the Executive Session, including the purchase of property at 5216 Denton Highway.

**ADJOURNMENT**

**CERTIFICATION**

I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 6th DAY OF JULY, 2018 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON ________ DAY OF _____________________________, 2018.

Name: ____________________________________________ Title: ________________________________________________

This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.
CITY COUNCIL MEMORANDUM

City Council Meeting: July 9, 2018
Department: City Secretary
Subject: Minutes of June 25, 2018 and June 28, 2018

BACKGROUND

A Regular Meeting was held on June 25, 2018 at City Hall, 5024 Broadway Avenue. A Budget Workshop was held on June 28, 2018 at the Haltom City Library at 4809 Haltom Road.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve the Minutes of June 25, 2018 and June 28, 2018.

ATTACHMENTS

Minutes of June 25, 2018
Minutes of June 28, 2018
A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on June 25, 2018, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor Pro Tem Dr. An Truong    Council Place 1 Jeannine Nunn
Council Place 2 Walter Grow                    Council Place 3 Lin Thompson
Council Place 4 Brent Weast                    Council Place 5 Bob Watkins
Council Place 6 Ricky Brown

Mayor David Averitt was absent.

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Wayne Olson, City Attorney; Art Camacho, City Secretary; Jennifer Fung, Finance Director; Cody Phillips, Police Chief; Code Enforcement Officer Phillip Cagle, and Greg Van Nieuwenhuize, Public Works Director. Also present was Trent Petty, of Petty and Associates and Mark McLiney, of SAMCO Capital.

**WORKSESSION**

**CALL TO ORDER**

Mayor Pro Tem Truong called the Worksession to order at 6:00 p.m. Mark McLiney, of SAMCO Capital, presented a PowerPoint program illustrating the bond issuance and options for establishing bond payment amounts and schedules, including a reimbursement resolution. Trent Petty, of Petty and Associates, addressed the various methods of tax abatements and incentives available for new or reinvesting businesses and the variables associated with each action. Mayor Pro Tem Truong closed the Worksession and called for an Executive Session at 6:45 p.m.

**EXECUTIVE SESSION**

Chapter 551 of the Texas Government Code

As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, code of ethics and conflicts of interest, city charter limitations, dissolution/restructuring of the Haltom City Economic Development Corporation, and pending litigation and settlement offers for the following cases:

- Flynn v. Haltom City EDC
- James H. Watson v. City of Haltom City
- Amer Ozzie v. City of Haltom City
- Ray Beshirs v. City of Haltom City
- Nicklaus Forrest v. City of Haltom City

Section 551.072 - Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

Section 551.074 - Personnel

Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee and/or hear a complaint or charge against an officer or employee, including individual city council and EDC board members.

Mayor Pro Tem Truong closed the Executive Session at 7:05 p.m. and called for a short recess.
CALL TO ORDER
Mayor Pro Tem Truong called the meeting to order at 7:11 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE
Council Member Linda Thompson gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho read the following:

- The HC Public Library lists the children, teen, and adult programs on the website.
- The Carson Street Closing will be closed for at least four months.
- Jr. Fire Camp will be held July 23rd – 27th with online registration required.
- Ladies Night Out will be August 11th and tickets are available.
- NE Tarrant Family 4th will be celebrated on July 4th.
- Refresh BISD will be Saturday, Aug. 18th and pre-registration online is required.
- Senior Center will celebrate 4th of July on July 2nd with CW Singer Chris Journeay.
- A.A.R.P. Texas will have a free health event on Saturday, June 30th.
- American Airlines Business Group will be at the Senior Center on Friday, June 29th.
- City Council will have a budget meeting on Thursday, June 28th at the Library.
- City Office Facilities will be closed on behalf of the 4th of July holiday.

PRESENTATION – Haltom High School Principal David Hamilton spoke on the successful joint effort of Haltom High School with various Haltom City departments, ending his speech with City Manager Keith Lane receiving an Honorary Diploma from Haltom High School.

REPORTS
Monthly Financial Report – Review of the Monthly Financial Report for April and May 2018. Finance Director Jennifer Fung presented the monthly financial reports for April and May 2018, which showed favorable revenue figures and no questions were asked.

REGULAR AGENDA
2. Minutes – Consideration and/or action regarding approval of the Minutes of the meeting of June 11, 2018. Council Member Weast moved, seconded by Council Member Grow, to approve the Minutes of June 11, 2018. The vote was unanimous. Motion carried.

3. Ordinance No. O-2018-021-15 – Junk Vehicle – Consideration and/or action to approve Ordinance No. O-2018-021-15, amending the regulations of junked vehicles to reflect changes to Chapter 683, Subchapter E of the Texas Transportation Code, and updating definitions within the ordinance. – 1st Reading. Police Chief Cody Phillips presented the ordinance and a discussion was held regarding the definition of terms, code enforcement procedures, and enforcement on vehicle repair shops. Mayor Pro Tem Truong opened the Public Hearing at 7:37 p.m. No citizen came forward. Mayor Pro Tem Truong closed the Public Hearing at 7:38 p.m. Council Member Grow moved, seconded by Council Member Nunn, to approve Ordinance No. O-2018-021-15, Chapter 50, Article II, Junk Vehicle, with the provision of the update on the double negative on the aircraft – first reading. The vote was unanimous. Motion carried.

4. Ordinance No. O-2018-022-01 - High Grass – Consideration and/or action to approve Ordinance No. O-2018-022-01, amending Ordinance O-98-044-01 to reflect the adopted fee schedule, update procedures in abating violations of the ordinance to conform with current standards, update ordinance definitions, and provide exemptions. – 1st Reading. Police Chief Cody Phillips presented the ordinance and a discussion was held regarding the number of notices per violation, updates on new changes, case illustrations, and Bluebonnet flowers with weeds enforcement. Mayor Pro Tem Truong opened the Public Hearing at 7:43 p.m. No citizen came forward. Mayor Pro Tem Truong closed the Public Hearing at 7:44
p.m.  Council Member Weast moved, seconded by Council Member Grow, to approve Ordinance No. O-2018-022-01, amending Ordinance O-98-044-01, and conforming to the current standards – first reading. The vote was unanimous. Motion carried.

5. **380 Agreement** – Consideration and/or action to approve the 380 Development Agreement between Haltom City and CC 820 Beach Grand, LLC. Assistant City Manager Rex Phelps presented the agreement, which included a video illustrating the amenities of the new projected apartment complex. A discussion was held regarding the agreement funding sources, water volume test data, booster pump costs, and construction project completion. David Strauss, of Copeland Commercial, Trent Petty, of Petty and Associates, and Michael Michalski, of Bob More Construction, each provided additional information regarding the water pump station. Council Member Weast moved, seconded by Council Member Thompson, to approve the 380 Development Agreement with a grant amount of $290,000. The vote was unanimous. Motion carried.

6. **T-Mobile Lease Amendment** – Consideration and/or action for the Council to authorize the City Manager to execute a lease amendment with T-Mobile for 3310 Meadow Oaks Drive. Assistant City Manager Rex Phelps presented the amendment and a discussion was held regarding the future earnings from the lease. Council Member Thompson moved, seconded by Council Member Grow, to accept the amended action to authorize the City Manager to execute a lease amendment with T-Mobile for 3310 Meadow Oaks Drive. The vote was unanimous. Motion carried.

VISITORS/CITIZENS FORUM
No citizen came forward.

7. **FUTURE AGENDA ITEMS**
Discussion on items to be placed on future agendas. A Code Compliance and Comprehensive Land Use Plan are scheduled for a future Council Worksession.

BOARDS/COMMISSIONS

8. **Resignations of Board/Commissions/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members. Council Member Weast stated ZBA Board Member Willis O’Dell submitted his resignation. The vote was unanimous and the resignation approved.

9. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees. Council Member Weast appointed Joshua Karar to the Zoning Board of Adjustments. The vote was unanimous and the appointment approved.

EXCUSED ABSENCE OF COUNCIL MEMBERS

10. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Council Member Thompson moved, seconded by Council Member Grow, to approve the absence of Mayor Averitt. The absence was approved unanimously.

Mayor Pro Tem Truong called for an Executive Session at 8:10 p.m. The Council reconvened to Regular Session at 9:12 p.m.

RECONVENE TO REGULAR SESSION
Take any action necessary as a result of the Executive Session, including consideration and/or action regarding a resolution terminating the Haltom City Economic Development Corporation. Council Member Grow moved, seconded by Council Member Weast, to have the City Attorney draft a resolution for dissolving the Haltom City EDC by October 1, 2018. Mayor Pro Tem Truong and Council Members Nunn, Grow, Thompson, and Weast voted aye. Council Members Watkins and Brown voted nay. Motion carried.
Council Member Weast moved, seconded by Council Member Grow, to end the pursuit of the ethics complaint against former City Council and EDC Member Trae Fowler. The vote was unanimous. Motion carried.

**ADJOURNMENT**

Mayor Pro Tem Truong adjourned the meeting at 9:16 p.m.

RESPECTFULLY SUBMITTED BY:  

APPROVED BY:  

____________________________  __________________ _____________  

Art Camacho, City Secretary  

David Averitt, Mayor
MINUTES
HALTOM CITY COUNCIL/STAFF BUDGET MEETING
HALTOM PUBLIC LIBRARY
4809 HALTOM ROAD – JUNE 28, 2018

A Budget Meeting with the City Council and City Staff was held by the City of Haltom City, Texas, on June 28, 2018, at 6:00 p.m. at the Haltom City Public Library, 4809 Haltom Road, Haltom City, Texas, with the following members present, to-wit:

Mayor Pro-Tem Dr. An Truong    Council Place 1 Jeannine Nunn
Council Place 2 Walter Grow    Council Place 3 Linda Thompson
Council Place 4 Brent Weast    Council Place 5 Bob Watkins
Council Place 6 Ricky Brown

Mayor David Averitt was absent.

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Art Camacho, City Secretary; Jennifer Fung, Finance Director; Perry Bynum, Fire Chief; Cody Phillips, Police Chief; Lesly Smith, Library Director; Toni Beckett, Human Resources and Risk Management Director; Sidonna Foust, Customer Service Director; Paul Berwick, IT Director; Glenna Batchelor, Planning and Community Development Director; and Greg Van Nieuwenhuize, Public Works Director.

CALL TO ORDER

Mayor Pro Tem Truong called the Budget Meeting to order at 6:00 p.m.

1. Discussion on Upcoming Budgetary Issues and Priorities for FY 2018-19:

City Manager Keith Lane presented a PowerPoint presentation which showed the following:

A. Property Tax Rate Comparisons for FY2016/2017 and FY2017/2018
B. Effective Tax Rate definition
C. Sources for determining the Proposed Budget – Vision Statement, Mission Statement, Council’s Fiscal Policy
D. Council’s Long Term Strategic Goals – Workforce, community services, growing transportation needs, municipal facilities, 820 Corridor, collective future vision
E. Decision Packages
F. Transportation Services Options – NETS/Mid-Cities TRE

A discussion was held regarding the property tax rates, municipal facilities, and transportation services costs. Finance Director Jennifer Fung presented funding sources data which included the General Fund, Water and Sewer Fund, Capital Projects and Bond Issuance, and Proposed Rate Changes. A discussion was held concerning the water and sewer rate increases and rate changes within different departments. A joint meeting with the Council and EDC is scheduled, along with a future budget workshop.

Mayor Pro Tem Truong closed the meeting at 6:40 p.m.

RESPECTFULLY SUBMITTED BY:      APPROVED BY:

__________________________________    ____________________
Art Camacho, City Secretary        David Averitt, Mayor
CITY COUNCIL MEMORANDUM

City Council Meeting: July 9, 2018
Department: Police (Code Enforcement)
Subject: Ordinance No. O-2018-021-15
          Chapter 50 Article II
          Junked Vehicles – 2nd Reading

BACKGROUND:

The proposed Ordinance amends the regulations of junked vehicles to reflect changes to Chapter 683, Subchapter E of the Texas Transportation code along with updating definitions within the ordinance. These changes were presented to Haltom City Council during a workshop on December 18, 2017 and was subsequently forwarded to the city’s attorney’s office for review.

The Council unanimously approved the first reading on June 25, 2018.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the City Council approve Ordinance No. O-2018-021-15 on its second reading.

ATTACHMENT:

Ordinance No. O-2018-021-15
ORDINANCE NO. O-2018-021-15

AN ORDINANCE AMENDING ARTICLE II, “JUNKED VEHICLES”, OF CHAPTER 50, “JUNKED VEHICLES AND MOTOR VEHICLE JUNK YARDS”, OF THE HALTOM CITY CODE OF ORDINANCES (1998) AS AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the legislature has adopted Chapter 683 of the Transportation Code to adopt procedures for the abatement and removal of junked vehicles as a public nuisance from private property, public property, or public rights-of-way; and

WHEREAS, the City Council of the City of Haltom City has previously adopted regulations declaring junked vehicles that are visible from a public place or public right of way a public nuisance; and

WHEREAS, the City Council of the City of Haltom City has determined that it is in the best interests of the City to amend the regulations of junked vehicles to reflect changes to Chapter 683, Subchapter E of the Texas Transportation Code and to ensure the protection of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS:
SECTION 1.

That Article II, “Junked Vehicles,” of Chapter 50, “Junked Vehicles and Motor Vehicle Junk Yards,” of the City of Haltom City Code of Ordinances is hereby amended to read as follows:

“Sec. 50-31. - Definitions.

As used in this article:

(1) *Antique vehicle* means a passenger car or truck that is at least 35 years old.

(2) *Dismantled or partially dismantled* means:

(a) for vehicles designed to be operated upon or drawn upon the public streets or for which a valid state motor vehicle registration certificate is required to legally do so, dismantled or partially dismantled means a vehicle that has had, intentionally or unintentionally, one or more critical parts removed or that is otherwise dismantled to the degree that said vehicle is not usable for the vehicle’s designed and intended purpose for thirty (30) days or more. A critical part is any part that is needed to safely operate or draw the vehicle, including but not limited to a wheel or tire, windshield, door, side quarter panel, hood, roof, steering wheel, motor or transmission; and

(b) for self-propelled vehicles not subject to state motor vehicle registration, including off-road vehicles designed and intended to be operated in places other than on public streets, including but not limited to race cars, dirt track vehicles, all-terrain vehicles, and golf carts, dismantled or partially dismantled means dismantled to the degree that said vehicle is not usable for the vehicle’s designed and intended purpose.

(3) *Junked vehicle* means a vehicle or a part of a vehicle that is:

(a) Wrecked, dismantled or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than:

(i) Seventy-two consecutive hours, if the vehicle is on public property; or

(ii) Thirty consecutive days, if the vehicle is on private property.
For purposes of this article, "junked vehicle" includes, in addition to other vehicles, a motor vehicle, an aircraft or a watercraft and applies only to:

(i) A motor vehicle that displays an expired license plate or does not display a license plate;

(ii) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft regulations in 14 C.F.R. Part 47 and is wrecked, dismantled or partially dismantled, discarded, or inoperable; or

(iii) A watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055 of the Texas Parks and Wildlife Code and is wrecked, dismantled or partially dismantled, discarded, or inoperable.

(4) **Inoperable** means:

(a) for vehicles designed to be operated upon or drawn upon the public streets or for which a valid motor vehicle registration certificate is required to legally do so, inoperable means a vehicle that, due to mechanical failure, breakdown, or disrepair, cannot be started, driven, operated, steered, drawn, or stopped as designed to be done or that is otherwise incapable of being lawfully driven upon or drawn upon a highway, which would include but is not limited to vehicles lacking a working engine, transmission, wheels, inflated tires, doors, windshield or any other part or equipment necessary for its legal and safe operation on a highway or any other public right-of-way; and

(b) for self-propelled vehicles not subject to state motor vehicle registration, including self-propelled off-road vehicles designed and intended to be operated in places other than public streets, including but not limited to race cars, dirt track vehicles, all-terrain vehicles and golf carts, inoperable means not usable for the vehicle’s designed and intended purpose.

(5) **Motor vehicle collector** means a person who:

(a) Owns one or more antique or special interest vehicles; and

(b) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal
use to restore and preserve an antique or special interest vehicle for historic interest.

(6) **Special interest vehicle** means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(7) **Vehicle** means every mechanical device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, including motor vehicles, commercial motor vehicles, truck tractors, trailers, and semi-trailers, but excepting devices moved by human power or used exclusively upon stationary rails or tracks. The term includes self-propelled vehicles not subject to state motor vehicle registration, such as off-road vehicles designed and intended to be operated in places other than on public streets, including but not limited to race cars, dirt track vehicles, all-terrain vehicles, go-carts, and golf carts.

(8) **Wrecked** means:

(a) for vehicles designed to be operated upon or drawn upon the public streets or for which a valid motor vehicle registration certificate is required to legally do so, wrecked means unable to be legally or safely operated upon or drawn upon a highway or any other public right-of-way for thirty (30) days or more due to damage that is consistent with a motor vehicle accident, incomplete repair, salvage or restoration, including but not limited to a missing or broken engine, transmission, windshield, window, tire, wheel or other major mechanical component; and

(b) for self-propelled vehicles not subject to state motor vehicle registration, including self-propelled off-road vehicles designed and intended to be operated in places other than public streets, including but not limited to race cars, dirt track vehicles, all-terrain vehicles and golf carts, wrecked means damaged to the degree that it is not usable for the vehicle’s designed and intended purpose.

Sec. 50-32. - Findings; declaration of public nuisance.

The city council, after thorough investigation and based upon past experience and present conditions, finds and hereby declares that junked vehicles or parts thereof which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of the private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city by producing urban blight which is adverse
to the maintenance and continuing development of the city and such vehicles or parts thereof so located are, therefore, declared to be a public nuisance.

Sec. 50-33. - Keeping declared unlawful; enforcement.

(a) A person commits an offense if the person maintains a public nuisance described by section 50-32. An offense under this section is a misdemeanor punishable by a fine not to exceed $200.00. Each day an offense occurs or is allowed to continue shall be a separate offense. The court shall order abatement and removal of the junked vehicle upon conviction for an offense under this section.

(b) The penalties and remedies in this section shall be in addition to the abatement procedures set forth in section 50-34 and may be pursued prior to, simultaneously with, subsequent to, and/or in addition to any other procedures or remedies available under the law.

Sec. 50-34. - Abatement and removal of junked vehicles; procedures.

(a) General. The city, acting through the city manager or his designated representative, shall have the right at all times to abate and remove junked vehicles, and such abatement and removal shall be accomplished according to the requirements set forth in this section.

(b) Notice.

(1) Prior to any official action being taken to abate and remove a junked vehicle constituting a public nuisance from private property, public property or public right-of-way, not less than ten (10) days notice shall be given, except as hereinafter provided, to the following parties:

a. The last known registered owner of the junked vehicle as shown on the certificate of title;

b. Any lienholder of record; and

c. The owner or occupant of the property upon which the junked vehicle is located or the owner or occupant of the premises adjacent to the public right-of-way on which the junked vehicle is located.

(2) The notice shall be either personally delivered, mailed by certified mail with a five-day return requested, or delivered by the United States Postal Services with signature confirmation service. A copy of the notice shall also be affixed to the front windshield of the vehicle. If the post office address of the last known registered owner of the junked vehicle is unknown, it shall be sufficient for notice to be placed on the junked vehicle and, if the owner is located, hand delivered.
(3) The notice shall state the following:

a. The nature of the public nuisance;

b. That it must be removed and abated not later than the tenth day after the date on which the notice was mailed or personally delivered;

c. The addressee is entitled to a public hearing if requested in writing prior to the expiration of the ten-day period, and that the public hearing, if requested, must be held prior to the removal of the vehicle or vehicle part by the city;

d. That the persons entitled to notice shall be entitled to speak at the public hearing, either by making a request prior to the time of the hearing or by making a request at the time of the hearing;

e. In the event that no request for hearing is received before the expiration of the ten (10) day period, or the persons entitled to notice fail to attend a requested hearing, it shall be conclusively presumed that the vehicle is a junked vehicle and constitutes a public nuisance as defined under state law and this article; and

f. That failure to abate the nuisance, failure to request a public hearing, or failure to attend a public hearing that has been requested constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle and their consent to disposal for the junked vehicle under the terms of the Texas Transportation Code concerning the disposal of junked vehicles.

(4) If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than eleven (11) days after the date of return of the notice.

c) Hearing.

(1) A request for a public hearing shall be in writing and shall be addressed to the municipal court clerk of the City. A public hearing, when requested, shall be held before the judge of the municipal court not earlier than the eleventh (11th) day after the date on which the notice was delivered or mailed under subsection (b). At the public hearing, the municipal judge shall hear and consider all relevant evidence, objections and protests, and shall receive testimony from the owner, witnesses, city personnel and interested persons relative to the alleged public nuisance. The hearing may be continued from time to time.
(2) At the hearing the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(3) Following the public hearing, the municipal judge shall consider all evidence to determine whether the vehicle or any part thereof constitutes a public nuisance as alleged. If the municipal judge finds that the vehicle or part thereof constitutes a public nuisance, and that the notice requirements provided in this division have been met, the municipal judge shall make a written order setting forth his findings and ordering that the public nuisance be abated.

(4) The order shall state that the vehicle shall be disposed of in accordance with the Texas Transportation Code.

(5) An order requiring removal of a motor vehicle shall include the following information if it is available at the location of the motor vehicle:

a.  the vehicle’s description;

b.  the vehicle identification number; and

c.  the vehicle’s license plate number.

(6) An order requiring removal of an aircraft shall include the following information if it is available at the location of the aircraft:

a.  the aircraft’s description; and

b.  the aircraft’s federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47.

(7) An order requiring removal of a watercraft shall include the following information if it is available at the location of the watercraft:

a.  the watercraft’s description; and

b.  the watercraft’s identification number as set forth in the watercraft’s certificate of number.

(d) Relocation of junked vehicles. The relocation of a junked vehicle that is a public nuisance to another location within the city limits after a proceeding for the abatement or removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
(e)  Abatement of nuisance.  In the event the municipal judge orders abatement of the junked vehicle, any duly authorized person may remove and dispose of the junked vehicle.

(f)  Junked vehicles not to be made operable after removal.  After any junked vehicle has been removed under the authority of this article, it shall not be reconstructed or made operable again.

(g)  Notice to department of transportation.  No later than the fifth day after the date of removal of a junked vehicle pursuant to this article, notice identifying the vehicle shall be given to the Texas Department of Transportation.

(h)  Disposal of junked vehicle.  Any junked vehicle taken into custody by the city or any duly authorized person pursuant to a provision of this article shall be disposed of in accordance with applicable provisions of Chapter 683, subchapter E of the Texas Transportation Code.

(i)  Covering.  The covering of a junked vehicle with any type of car cover, tarp, or similar material does not abate the violation.

Sec. 50-35. - Disposition of vehicle.

Junked vehicles removed by the City may not be reconstructed or made operable after removal. Junked vehicles which have been removed by the city or at its direction may be disposed of by removal to a scrapyard, demolisher or any suitable site operated by the city for processing as scrap or salvage, which process shall be consistent and accomplished with notice being given to the Texas Department of Transportation as hereinabove provided. The city may dispose of the junked vehicle or any part thereof through commercial channels of disposition, providing such disposal shall be only as scrap or salvage.

Sec. 50-36. - Right of entry.

Any person authorized by the city to administer the provisions of this article may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a public nuisance pursuant to this article.
Sec. 50-37. - Traffic obstruction; removal.

Nothing in this article shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Sec. 50-38. - Armed forces personnel exempt from article.

The provisions of this article pertaining to the abatement and removal of a junked vehicle as a public nuisance shall not apply to an automobile, the title of which stands in the name of an individual who is currently on active duty with the armed forces of the United States of America and stationed outside the continental limits of the United States of America, so long as the owner of the automobile maintains the status as above described. However, when such owner has returned to the continental limits of the United States of America for a period of no less than two weeks, then the provisions of this article pertaining to the removal and abatement of a junked vehicle shall from that date forward apply.

Sec. 50-39. – Municipal court authority.

The municipal court of the city shall have authority to issue all orders necessary to enforce the provisions of this article. The judge of the municipal court of the city shall preside at all hearings held under this article.

Sec. 50-40. - Additional exemptions.

(a) The provisions of this article pertaining to the abatement and removal of junked vehicles shall not apply to a vehicle or vehicle part:

(1) That is completely enclosed in a building in a lawful manner consistent with all applicable zoning laws, ordinances and regulations and is not visible from the street or other public or private property; or

(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

   a. Maintained in an orderly manner;
   b. Not a health hazard, and
   c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
Sec. 50-41. - Inspection and enforcement of distinguishing numbers.

(a) City inspectors and assigned city employees shall investigate and determine if those claiming an exemption as a licensed vehicle dealer in accordance with section 50-40 and all other vehicle dealers are operating with a valid and proper dealer general distinguishing number as required by V.T.C.A., Transportation Code ch. 503.

(b) If any vehicle dealer is found operating without a valid dealer general distinguishing number, the city shall report such violation to the Texas Department of Transportation.

Secs. 50-42—50-70. - Reserved."

SECTION 2.

This Ordinance shall be cumulative of all provisions of the City of Haltom City, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.
SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) or the maximum allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of Haltom City, Texas or any other ordinances affecting Junked and Abandoned vehicles which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.
Passed and approved on first reading the ____ day of ________, 2018.

Passed and approved on second and final reading on the ___ day of __________, 2018.

________________________________
DAVID AVERITT, MAYOR

ATTEST:

________________________________
ARTURO CAMACHO, CITY SECRETARY

Effective: _________________________

APPROVED AS TO FORM AND LEGALITY:

________________________________
CITY ATTORNEY
CITY COUNCIL MEMORANDUM

City Council Meeting:    July 9, 2018
Department:              Police (Code Enforcement)
Subject:                 Ordinance No. O-2018-022-01
Chapter 42 Article II
Weeds, Brush, Rubbish, etc. – 2nd Reading

BACKGROUND:
The City originally adopted Ordinance O-98-044-01 in October of 1998. The proposed
Ordinance updates the administrative fees to reflect the adopted fee schedule, updates
procedures in abating violations of the ordinance to conform with current standards/Laws,
remove “on average” from height requirement, updates definitions, and gives exemptions
for certain areas. These changes were presented to Haltom City Council during a
workshop on December 18, 2017, and subsequently forwarded to the city’s attorney’s
office for review.

The Council unanimously approved the ordinance on its first reading on June 25, 2018.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the City Council approve Ordinance No. O-2018-022-01 on its second
reading.

ATTACHMENT:

Ordinance No. O-2018-022-01
ORDINANCE NO. O-2018-022-01

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, WEEDS, BRUSH, RUBBISH, OF THE HALTOM CITY CODE (1998), AS AMENDED, BY PROVIDING REQUIREMENTS FOR THE MOWING OF GRASS, WEEDS AND VEGETATION AND THE REMOVAL OF RUBBISH, BRUSH, OR ANY OTHER OBJECTIONABLE, UNSIGHTLY, OR UNSANITARY MATTER FROM PROPERTIES; PROVIDING NOTICE AND ABATEMENT PROCEDURES; PROVIDING FOR THE PLACEMENT OF A LIEN ON PROPERTIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the city council has previously adopted ordinances and regulations prohibiting the growth of grass, weeds, and other vegetation in an uncultivated manner and the accumulation of rubbish, brush, or any other objectionable, unsightly, and unsanitary matter within the City; and

WHEREAS, the city council finds that the health, safety, and welfare of all its citizens are positively impacted when weeds, grass, rubbish or other unsanitary materials are either controlled or removed in a timely manner; and

WHEREAS, the city council desires to promote and enhance the quality of life of all its citizens through effective government action when necessary; and

WHEREAS, the city council has found and determined that to properly implement this Ordinance and abate violations thereof, it is necessary to investigate complaints,
determine the property owners' name and address, prepare and send out appropriate notices, file certain notices and liens with the county clerk, and supervise the conduct of the work;

WHEREAS, the city council has determined that the minimum administrative cost to the City to abate a violation of this Ordinance is $250; and

WHEREAS, the city council now deems it necessary to amend the previous ordinances and regulations applicable to said conditions and to provide additional procedures for the giving of notice and opportunity for hearings to persons who are found to be in violation of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS:

SECTION 1.

Chapter 42, Article II, Weeds, Brush, Rubbish, etc., of the Haltom City Code is hereby amended to read as follows:

“ARTICLE II. WEEDS, BRUSH, RUBBISH, ETC.

Sec. 42-56. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Fee shall refer to the City's administrative fee, adopted from time to time in the City’s fee schedule, that shall be assessed to cover the administrative costs incurred by the City when the City abates or causes to be abated a nuisance. Such fee shall not include the actual costs incurred in abating or causing to be abated a nuisance.
Brush shall mean scrub vegetation or dense undergrowth.

Carrion shall mean the dead and putrefying flesh of any animal, fowl, or fish.

Costs shall mean the actual cost the City incurs in abating or causing to be abated a nuisance, including without limitation, the cost of mowing, weeding, removing objectionable, unsightly, or unsanitary matter, etc.

Cultivated shall mean vegetation that is deliberately grown and currently and continuously maintained by the owner, occupant, or agent of the property.

Expenses shall mean the total of the Administrative Fee and Costs incurred by the City in abating or causing to be abated a nuisance.

Filth shall mean any matter in a putrescent state.

Garbage shall mean all decayable waste.

Impure or unwholesome matter shall mean any putrescible or nonputrescible condition, object, or matter which tends to, may, or could produce injury, death, or disease to human beings.

Junk shall mean all worn out, useless, worthless, discarded, or scrap material, including, but not limited to, odds and ends, old metal, scrap lumber, building debris or old building materials, used tires, vehicle parts, and other items no longer used in the manner in which they were intended, including, but not limited to, upholstered furniture, working and non-working appliances, and machinery and parts thereof.

Maintained shall mean watered, pruned, trimmed, treated, and controlled in such a manner as to enhance the use or enjoyment of one's property, without interfering with the enjoyment or use of neighboring property or public access.

Nuisance shall mean anything which is injurious to the health or morals, or indecent or
offensive to the senses, or an obstruction to the free use of property so as to interfere with
the comfortable enjoyment of life or property.

*Objectionable, unsightly, or unsanitary matter* shall mean any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

*Owner* shall mean a person having title to real property.

*Person* shall include a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

*Refuse* shall mean a heterogeneous accumulation of worn out, used, broken, rejected, or worthless materials, including garbage, rubbish, or litter, and other decayable or nondecayable waste.

*Rubbish* shall mean both garbage and trash and shall include all animal, vegetable and inorganic matter subject to discard that is generated from within a household, residence, or business, such as, but not limited to, coffee grounds, tin cans, paper bags, boxes, glass, and food articles. It shall also include all animal, vegetable, and inorganic matter subject to discard that is not typically generated from within a household, residence, or business, such as, but not limited to, shrubbery, grass clippings, brush, yard cleaning materials, leaves, tree trimmings, stoves, refrigerators, iceboxes, pieces of metal scrap, feathers, furniture, dead animals, rocks, shingles, building materials, junk, trash, refuse, and other worn-out, wrecked or dismantled machinery, tractors, automobiles, and other similar wastes.

*Trash* shall mean all non-decayable waste.

*Undeveloped land* shall mean tracts of land or lots upon which no structure exists.

*Vegetation* shall mean any grass, weeds, shrubs, trees, brush, bushes, or vines.
Weeds shall mean vegetation that is objectionable, unsightly or unsanitary, but excluding cultivated crops, shrubs, bushes, trees, flowers, and vines.

Sec. 42-57. Overgrown Vegetation, Rubbish, and Other Unsanitary Conditions Prohibited.

(a) It shall be unlawful for any person owning, leasing, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, improved or unimproved, developed or undeveloped, within the corporate limits of the City, to suffer, permit, or allow:

(1) Uncultivated grass, weeds, or brush to grow greater than ten (10) inches upon such premises; including along the sidewalk or street adjacent to the premises between the property line and the curb or, if there is no curb, between the property line and the driving surface;

(2) Uncultivated grass, weeds, or brush to grow greater than ten (10) inches upon the parkway adjacent to such premises;

(3) Refuse, rubbish, junk, litter, trash, debris (vegetation, building or other), garbage, discarded items, carrion, filth, animal or human feces, or any other unsightly or unsanitary matter to accumulate or remain upon such premises, including along the sidewalk or street adjacent to the premises between the property line and the curb or, if there is no curb, between the property line and the driving surface.

(b) The prohibition in subsection (a)(1) does not apply to a lot, tract, or parcel of undeveloped land if:

(1) the lot, tract, or parcel is two or more acres under common ownership and the high grass or weeds are at least fifty (50) feet away from any adjacent street and any
structure or other improvement on adjacent property owned by another person;

(c) A person commits an offense if the person owns, occupies, or controls any real property within the corporate limits of the City and maintains the property in a condition that is prohibited by subsection (a).

Sec. 42-58. Duty to Comply with Ordinance.

It shall be the duty of any person owning, leasing, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, improved or unimproved, developed or undeveloped, within the corporate limits of the City to cut, or cause to be cut, grass, weeds, and brush, and to remove, or cause to be removed, rubbish and other objectionable, unsightly, or unsanitary matter as often as necessary to comply with the requirements of this Article, and to otherwise maintain that property in full compliance with this Article.

Sec. 42-59. Nuisance Declared.

All grass, weeds, vegetation, or brush not regularly cultivated and which exceed ten (10) inches, as prohibited by Sec. 42-58, and all rubbish are objectionable, unsightly, and unsanitary, are hereby deemed to be a threat to the public health and safety of persons in the City, and are hereby declared a public nuisance.

Sec. 42-60. Enforcement.

It shall be unlawful for any person, firm, or corporation to maintain any property within the City in violation of this chapter. When a violation of this chapter is discovered, the City may, simultaneously and without limitation, pursue one or more of the following remedies;

(1) Work with the owner of the property to resolve the matter;
(2) Issue a citation before or after taking measures or providing notice to abate the violation; or

(3) Pursue the abatement of the violation by following the procedures set forth in this chapter.

Sec. 42-61. Abatement of Prohibited Conditions by City.

(a) Notice required. Except as provided by Section 42-63 of this Article, if the owner of property fails to comply with the requirements of Sections 42-57 and 42-58, the City may give notice to the property owner to remove the violation on the property within 10 days of the date of the notice.

(b) Where notice given. The notice must be given:

(1) personally to the owner in writing;

(2) by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or

(3) if personal service cannot be obtained or the owner's address cannot be determined:

(A) by publication in the city's official newspaper at least twice within 10 days;

(B) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) Contents of notice. The notice shall contain:

(1) The name and address of the record owner;
(2) An identification, which is not required to be a legal description, of the property upon which the violation is located;

(3) A statement describing the violation and the work necessary to correct the violation;

(4) A statement advising the owner that if the work is not completed within ten (10) days, the City will complete the work and charge the expenses, including an administrative fee, to the owner;

(5) A statement that if the City performs the work and the owner fails to pay the expenses, a priority lien may be placed on the property;

(6) A statement that the City may, at any time, file a criminal misdemeanor complaint in municipal court with a maximum fine of $2,000.00 for each day the violation exists, in addition to or in lieu of any other remedy provided by law.

(d) Additional notice and authority to abate.

(1) In a notice provided under this section, if the notice is sent by certified mail and posted on the property, the City may inform the owner that if the owner commits another violation of this Article of the same kind or nature on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner’s expense and assess the expense against the property.

(2) If a violation covered by a notice under this subsection occurs within the one-year period and the City has not been informed in writing by the owner of an ownership change, then the City without notice may take any action permitted by Subsection (f) and assess its expenses as provided by Sec. 42-62.

(e) Notice filed with county clerk. If notice is provided to the owner as permitted
by subsection (d) of this section, the City Manager or his designee shall cause a copy of the entire notice to be filed with the county clerk.

(f) **Consequence of failure to abate nuisance.** If the owner does not remove the violation on the property within 10 days of receipt of the notice, the City may go on such property or authorize another to go on such property, do or cause the work to be done, pay for the work done, charge the expenses incurred, including the Administrative Fee, to the owner of the property, and assess the expenses against the property on which the work is done or improvements made. The remedy provided in this Section is in addition to any criminal penalties or other remedies authorized by this Article or other law.

**Sec. 42-62. Assessment of Expenses; Lien; Appeal.**

(a) The City may assess the expenses incurred under Sec. 42-61(f) against the property on which the work is done or improvements made.

(b) **Notice.** In assessing the expenses under Subsection (a), the City shall first send a notice of the expenses to the owner of the property upon which the work was done or improvements made. The notice must include:

1. an identification of the property;
2. a description of the violation;
3. a statement that the City abated the condition;
4. a statement of the City's expenses in abating the condition;
5. an explanation of the property owner's right to request a hearing within ten (10) days of the date of the letter; and
6. a statement that if the owner fails or refuses to pay the expenses within thirty (30) days of the date of the notice, the mayor or his designee shall place a lien against the
property by filing with the county clerk of Tarrant County a notice of lien and statement of expenses incurred.

(c) Where notice given. The notice shall be sent in the same manner as provided in Section 42-61(b).

(d) Right to a hearing. The owner of the property shall be entitled to a hearing before the city manager or his designee to review the validity of the expenses if the owner requests a hearing by filing a written request with the city manager within ten (10) days of the owner’s receipt of the notice.

(e) Hearing. If the owner of the property timely requests a hearing, the city manager or his designee shall conduct a hearing within ten (10) days of receipt of the request. At the hearing:

(1) The owner of the property, City staff, and any other person that the city manager or his designee determines may have testimony that will assist in reviewing the validity of the fees may testify or present witnesses or written information related to the City's abatement of the nuisance.

(2) The City has the burden to show that a violation of this Article existed, notice was given in substantial compliance with this Article, and the expenses incurred to abate the violation were reasonable.

(3) At the close of the hearing, the city manager or his designee may approve the expenses, deny the expenses, or adjust the amount of the expenses and approve them as adjusted.

(f) Lien on property. If no hearing is requested, the owner of the property shall pay the expenses within thirty (30) days of the notice under this section. If a hearing is held and the
expenses are determined to be valid and are approved, the owner of the property shall pay the expenses within thirty (30) days of the order approving the expenses. If the owner fails or refuses to pay the expenses within the timeframe described above, the mayor or his designee shall place a lien against the property by filing with the county clerk of Tarrant County a notice of lien and statement of expenses. The lien attaches to the property upon the filing of the notice of lien and statement of expenses with the county clerk. A notice of lien and statement of expenses must state the name of the owner, if known, and the legal description of the property. A signature on a notice of lien and statement of expenses may be a facsimile signature as defined in Section 618.002, Texas Government Code.

(g) Security provided by lien. The lien obtained by the City is security for the expenses and interest accruing at the rate of 10% on the amount due from the date of payment by the City. The lien obtained by the City is inferior only to tax liens and liens for street improvements.

(h) Suit for foreclosure to recover expenses. The City may bring a suit for foreclosure in the name of the City to recover the expenses and interest due. The original or a certified copy of the notice of lien and statement of expenses is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

(i) Cumulative remedies. The assessment of expenses and enforcement of a lien under this section is in addition to the City’s remedy of issuing a citation or prosecuting for an offense under Sec. 42-60.

(j) Enforcement in tax suits. The City may foreclose a lien on property under this section in a proceeding relating to the property brought under Subchapter E, Chapter 33, Texas Tax Code, pursuant to Section 342.007, Texas Health and Safety Code.
Sec. 42-63.  Additional Authority to Abate Dangerous Weeds Without Prior Notice.

(a) Authority to abate dangerous weeds. The City may immediately abate, without prior notice, weeds that:

1. have grown higher than 48 inches, and
2. are an immediate danger to the health, life, or safety of any person.

(b) Notice of abatement. Not later than the 10th day after the date the City abates weeds under this section, the City shall give notice to the property owner in the same manner provided in Section 42-61(b) of this Ordinance.

(c) Contents of notice. The notice shall contain:

1. an identification, which is not required to be a legal description, of the property;
2. a description of the violation of the ordinance that occurred on the property;
3. a statement that the city abated the weeds; and
4. an explanation of the property owner’s right to request an administrative hearing about the City’s abatement of the weeds.

(d) Right to a hearing. The owner of the property shall be entitled to a hearing before the city manager or his designee to review the City’s abatement of the nuisance if the owner requests a hearing by filing a written request with the city manager within thirty (30) days of the owner’s receipt of the notice.

(e) Hearing. The city manager or his designee shall conduct an administrative hearing under this section if the property owner timely files a written request for a hearing. The hearing shall be conducted by the city manager or his designee not later than the 20th day after the date a request for hearing is filed. At the hearing:

1. The owner and City staff may testify or present witnesses or written
information related to the City's abatement of the nuisance.

(2) The City has the burden to show that a violation of this Section existed, notice was given in substantial compliance with this Section, and the expenses incurred to abate the violation were reasonable.

(3) At the close of the hearing, the city manager or his designee may approve the expenses, deny the expenses, or adjust the amount of the expenses and approve them as adjusted.

(f) **Lien on property.** The City may assess expenses and create liens under this section as it assesses expenses and creates liens under Sec. 42-62(f). A lien created under this section is subject to the same conditions and has the same priority as a lien created under Sec. 42-62(g). The City may foreclose a lien created under this section in the same manner as provided for in Sec. 42-62(h) & (j).

(g) **Cumulative remedies.** The assessment of expenses and enforcement of a lien under this section is in addition to the City’s remedy of issuing a citation or prosecuting for an offense under Sec. 42-60.

**Sec. 42-64. Conditions constituting fire hazard – Prohibited.**

It shall be unlawful for any person, firm or corporation owning or having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the corporate limits of the city, to suffer or permit any downed timber, brush, old logs, weeds, grass or decaying vegetable matter on any such lot or premises so that such wees, grass or other matter may by reason of fire endanger any adjoining property or may be reasonably calculated to communicate fire to any adjacent premises.

**Sec. 42-65. Same – Notice to owner to remedy.**
Whenever, in the opinion of the fire chief, any such downed timber, brush, old logs, weeds, grass or decaying vegetable matter constitutes a fire menace, he shall give notice to the owner of said premises in the manner provided by Section 42-59. Said condition may be abated and a lien attached to the property in the same manner as provided in Section 42.59.

Sec. 42-66. Unlawful burning.

It shall be unlawful for any person to burn weeds or grass off any lot in the city, except that the owner of any vacant lot or his agent may make an application to the fire chief for burning of weeds and grass off any vacant lot and, if such permit is granted, such person may so burn weeds and grass off the vacant lot which is the subject of the application under the terms and conditions set out herein. Such burning after issuance of the permit shall be burned by the property owner only at a time specified by the fire chief and at a time when the fire department of the city is in attendance when the fire is set by the owner.

Sec. 42-67. Obstruction of street or alley unlawful.

It shall be unlawful for any person to willfully obstruct or injure or cause to be obstructed or injured or maintain an obstruction in any manner whatsoever upon any street or alley adjacent to any premises owned or controlled by such person within the corporate limits of the city.

Sec. 42-68. Penalty for violation of article.

It shall be unlawful for any person to violate any provision of this Article or fail to perform any action required by this Article. A violation under this section is an offense. Each day or portion of a day during which a violation is committed, permitted, or continued is a separate offense. An offense under this section is a Class C misdemeanor, punishable by a fine of up to $2,000 for each offense.

Sec. 42-69—42-90. – Reserved.”
SECTION 2.
ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Haltom City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.
SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.
PENALTY

Notwithstanding any notice provisions contained in this Ordinance, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.
SAVINGS

All rights and remedies of the City of Haltom City are expressly saved as to any and all violations of the provisions of Article II of Chapter 42 of the Haltom City Code of Ordinances, as amended, or any other ordinances affecting public health and sanitation, including dumping or refuse, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts, provided the procedures actually used fully comply with applicable state and federal statutory and constitutional requirements. Failure to follow any procedures set forth in this Ordinance will not invalidate the City's right to enforce any assessment and/or lien imposed under this Ordinance.

SECTION 6.
PUBLICATION REQUIREMENTS

The City Secretary is directed to publish in the official newspaper of the City of Haltom City the caption, penalty clause, publication clause, and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 7.
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.
Passed and approved on first reading the ____ day of ________, 2017.

Passed and approved on second and final reading on the ___ day of __________, 2017.

_________________________
DAVID AVERITT, MAYOR

ATTEST:
_________________________
ARTURO CAMACHO, CITY SECRETARY

Effective: _________________

APPROVED AS TO FORM AND LEGALITY:

_________________________
CITY ATTORNEY
CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: July 9, 2018
Department: Administration
Subject: T-Mobile Lease Agreement
820 Water Tower

BACKGROUND
The City currently has a tower lease with T-Mobile for their wireless communication network on the 820 Water Tower. T-Mobile has requested to modify their utilities at the antenna facility. As in any case involving access to our water facilities, we require an accessibility agreement and engineered approved plans along with additional compensation to install or modify the antennas. This will be the 7th amendment to the T-Mobile water tower lease thus allowing permits to install or replace antennas and radio equipment.

FISCAL IMPACT
As part of T-Mobile’s Lease, T-Mobile has agreed to amend the current monthly lease with a modification to increase the tower space rent by one hundred ($100) dollars per month. The adjusted monthly rent payment will be $5,830.13.

RECOMMENDATION
Staff recommends the Council authorize the City Manager to execute a new lease amendment to the original agreement with T-Mobile on the 820 Water Tower, located at 4849 NE Loop 820.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated Staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 9th day of July 2018 at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED ATTEST:

David Averitt, Mayor Art Camacho, City Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: July 9, 2018
Department: City Secretary
Subject: Future Agenda Items

BACKGROUND

A Worksession has been requested for the following:
  1. Code Compliance
  2. Comprehensive Land Use Plan

FISCAL IMPACT

None.

RECOMMENDATION

Workshop on these items will be forthcoming and some information will be discussed during the Council budget meetings.

ATTACHMENTS

None.
CITY COUNCIL MEMORANDUM

City Council Meeting: July 9, 2018
Department: City Secretary
Subject: Boards/Commission/Committee Resignation of Members

BACKGROUND

The City Council will consider action regarding the resignations from Boards, Commissions, and Committees. Marilee Wells has submitted her resignation from the Animal Advisory Committee.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENT

Letter of resignation from Marilee Wells.
CITY COUNCIL MEMORANDUM

City Council Meeting: July 9, 2018
Department: City Secretary
Subject: Boards/Commissions/Committees
Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board, commission, and committee members. Places One and Three on the TIRZ Board expired December 31, 2017. Currently Bob Watkins serves in Place One, Place Three is vacant. The Parks Board council liaison position is also vacant.

Appointments and/or reappointments that are due:

Mayor:  

Public Arts Program Committee – One vacancy

CC Place 3: CCPD/Redlight – Current member Eugene Barnard

CC Place 6: Beautification – Vacant

CCPD/Redlight – Current member Layla Caraway

ZBA – Current member Debbie Hardin

CC Place 7: Beautification – Vacant

CCPD/Redlight – Current member Patti Street

Fire – Current member Sue Austin

P&Z – Current member Suzette Teague

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications received: Colton Hudson, 2018; Layla Caraway 2018; Joy Dalton 2018; Eric Morris, 2018; Garrett Schleier, 2018; Betty Porter, 2018; Elizabeth Dunbar, 2018; Andrea Hudson, 2018; Alexandra Geltmeier, 2017; Matthew Schoonover, 2017; Scott Barrilleaux, 2017; Gary Hilbert II, 2017.