

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 28, 2015**

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
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, April 28, 2015 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

Mayor Earwood read a proclamation declaring May 10, 2015 through May 16, 2015 as National Police Week and May 15, 2015 as Peace Officers Memorial Day.

Mayor Earwood read a proclamation declaring May 21, 2015 as Hollie Lancarte Day.

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 APRIL 14, 2015 COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING APRIL 28, 2015 (FY 2015)
- C. APPROVE 2ND QUARTER INVESTMENT REPORT (JAN. 1 THRU MARCH 31, 2015)
- D. APPROVE EDC 2ND QUARTER REPORT (JAN. 1 THRU MARCH 31, 2015)
- E. APPROVE CCPD 2ND QUARTER REPORT (JAN. 1 THRU MARCH 31, 2015)

F. APPROVE STORM WATER FUND 2ND QUARTER REPORT (JAN. 1 THRU MARCH 31, 2015)

Mayor Pro Tem Holland suggested that the minutes include a comment about the Mayor voting in the case of a tie since CM Ashton was not present for that agenda item.

Mayor Pro Tem Holland moved, seconded by CM Scott, to approve the consent agenda. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. PROCLAIMING EMERGENCY MEDICAL SERVICES WEEK, MAY 17TH – 23RD AND ANNUAL MEDSTAR UPDATE AS PRESENTED BY THE EXECUTIVE DIRECTOR

Mayor Earwood read a proclamation declaring May 17th – May 23rd as Emergency Medical Services Week.

Brett Lyle and Doug Hooten presented the annual MedStar update including a revision to the deployment plan, an upgrade to the radio system, service enhancements, the new headquarters facility, and the new Medical Director, Dr. Neal Richmond.

At the request of Mayor Pro Tem Holland, Ms. Lyle summarized the Star Saver program.

No action was taken.

8. CONSIDER APPROVAL OF SERVICE AGREEMENT WITH PAYMENT GROUP, LLC AND ITS DIVISION TRAFFIC PAYMENT.COM IN ORDER TO PROVIDE TELEPHONE CITATION PAYMENT SERVICES AND ONLINE CITATION PAYMENT SERVICES

CS Gregory requested to enter into an agreement with trafficpayment.com for the receipt of court payments. The program interfaces with the current Incode system and is at no cost to the City. CS Gregory reported that this company also provides a telephone number for customers who prefer to call. CS Gregory stated that no notice is required to terminate the agreement with the current provider, RevTrak. CS Gregory suggested beginning with court and possibly expanding to utility billing if successful.

CM Ashton moved, seconded by CM Gordon, to approve the service agreement with Payment Group, LLC and its division trafficpayment.com in order to provide telephone citation payment services and online citation payment services. All voted "Aye."

9. CONSIDER APPROVAL TO RE-ISSUE BUILDING PERMIT FOR ALBINO GUTIERREZ AT 5104 LANGLEY THAT EXPIRED ON MARCH 27, 2015 DUE TO FAILURE TO COMPLY WITH SECTION 105.5 OF THE 2012 INTERNATIONAL BUILDING CODE AS ADOPTED

Albino Gutierrez was present with Ramon Gutierrez who translated for him.

Inspector Sanders explained that the expired permit to extend the front of the house has been renewed twice by Staff. Sanders added that staff has issued a stop work order for additional work which was not originally permitted and was not properly inspected prior to pouring the concrete. Sanders stated that the applicant would also like to add a roof to the permit.

It was explained to Mr. Gutierrez that permits have an expiration date. Mr. Gutierrez stated that he is doing the work himself and has been unable to complete the work within that time. Mr. Gutierrez requested one week to complete the siding which will complete the original permit.

Sanders requested that the concrete work performed without a permit or inspections be certified by an engineer or removed. Mr. Gutierrez presented photos on a phone that were taken during the construction process. Inspector Sanders was satisfied with the photos and agreed to sign off on the concrete work if the photos could be put into the file.

Mr. Gutierrez agreed to finish the current project and return for an additional permit for the roof. Council members encourage Mr. Gutierrez to complete the projects in a timely manner and to call for inspections.

CM Ashton moved, seconded by CM Scott, to reissue the building permit for Mr. Gutierrez at 5104 Langley that expired on March 27, 2015 be extended and completed in 30-days from today. All voted "Aye."

10. CONSIDER APPROVAL OF REQUEST BY THE COMMUNITY CENTER CO-DIRECTORS TO HOLD A CITY SPONSORED CAR SHOW IN THE FALL

Community Center Directors Wheat and Bloomfield requested to hold a car show in the fall of 2015 at the Community Center in coordination with D & D Rockin Rods. The car show would include a craft fair inside the center.

CM Ashton moved, seconded by CM Gordon, to approve the request for a city sponsored car show in the fall. All voted "Aye."

11. CONSIDER APPROVAL OF **RESOLUTION 829-2015** FOR SPECIAL EVENT PERMITTING FOR THE ALL-AMERICAN FESTIVAL TO BE HELD AT THE SUPER SAVE PARKING LOT ON JUNE 26, 2015

At 8:10 p.m. CM Ashton left the dais, returning at 8:13 p.m.

Community Center Directors Wheat and Bloomfield stated that the celebration would be at the Super Save parking lot.

CM Scott moved, seconded by CM Butler, to approve Resolution #829-2015. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1705 LONG AVE.**

At 8:13 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders summarized the violations as indicated in the photos shown. Sanders reported a structure fire had damaged house. Sanders cited structural, plumbing, mechanical, and electrical violations that exist. Sanders requested a maximum of 89-days to complete the repairs.

A representative for the property was not present.

At 8:19 p.m. Mayor Earwood closed the public hearing.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1705 LONG AVE.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

CM Gordon made the following motion "I move that the City Council find that the building located at 1705 Long Ave. based on evidence presented at this hearing, is Substandard and: 1) That the conditions set forth in the Building Official's report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) That the building(s) is/ are feasible of repair and therefore ORDER the Building to be repaired BY THE OWNER within 89 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 89 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be

demolished. 5) Order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. CM Ashton seconded the motion. All voted "Aye."

14. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1709 LONG AVE.**

At 8:24 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders summarized the violations as indicated in the photos shown. Sanders cited structural, plumbing, and electrical violations that exist. Sanders requested a maximum of 89-days to complete the repairs.

A representative for the property was not present.

At 8:26 p.m. Mayor Earwood closed the public hearing.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1709 LONG AVE.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

CM Butler made the following motion "I move that the City Council find that the building located at 1709 Long Ave. based on evidence presented at this hearing, is Substandard and: 1) That the conditions set forth in the Building Official's report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) That the building(s) is/ are feasible of repair and therefore ORDER the Building to be repaired BY THE OWNER within 89 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 89 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished. 5) Order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. CM Gordon seconded the motion. All voted "Aye."

STAFF REPORTS:

16. STAFF REPORT ON SUBSTANDARD PROPERTIES

COE Jones gave updates on the following substandard properties:

- 604 FRONTIER – No change. Civil penalties continue to accrue.
- 5008 SHERWOOD – No change. Civil penalties continue to accrue. Realtor has inquired about the required repairs.
- 1121 CAMBRIDGE – Council had allowed until May 25, 2015 to complete the repairs and change the name on the water account. The water is still in the decedent's name. No applications have been received, no contact.
- 5008 Penrod – No change. Civil penalties continue to accrue.
- 1709 LONG AVE. – Refer to agenda item #14.
- 1202 BANKS – No change. Will enforce with certificate of occupancy.
- 1609 Yale – Notice by the building official to repair expired April 13, 2015. Will bring to Council in May.
- 4900 Almena - Notice by the building official to repair expired April 13, 2015. Will bring to Council in May.
- 603 Harrisdale – Notice by the building official to repair expired April 13, 2015. Will bring to Council in May.
- 1705 Long – Refer to agenda item #12.

Council would like recommendations at the next council meeting to gain compliance on the properties with civil penalties. CA Elam will review the files and cooperate with CS Gregory to make a recommendation.

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

No discussion occurred.

18. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

21. **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 occurred.

22. **PUBLIC WORKS 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 occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

PUBLIC FORUM:

29. 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

PC Carter announced that his son is participating in a musical at Weatherford High School.

CM Butler gave a reminder of the CCDAC dinner on Thursday at 6:00 p.m.

CM Scott requested the water policy be presented at a planning session to consider amnesty for changing the name on the water accounts and certificate of occupancy inspections.

CM Ashton thanked those who participate in River Oaks Clean Up.

CM Gordon expressed gratitude for those who helped with Clean Up Day, specifically Jim Byrum who picked up brush in his personal truck and for Paul Simpson who cooked.

EXECUTIVE SESSION:

30. 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:

31. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

32. ADJOURN

**At 8:42 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting.
All voted "Aye".**

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary