

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
MAY 25, 2010**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE CREWS  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER R.R. "BOB" MINTER  
COUNCIL MEMBER JOANN GORDON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF DAN CHISHOLM  
FIRE CHIEF BILL CREWS  
OFFICE MANAGER PAULA BAGWELL  
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY  
BUILDING INSPECTOR STEVE SANDERS  
SECRETARY SUSAN STEWART  
CITY ATTORNEY BETSY ELAM  
ATTORNEY STEVE WOOD

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, May 25, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Public Works Superintendent Hatley delivered the Invocation.

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

Anna Sherrill led the pledges of allegiance to the United States and the Texas Flags.

4. **READING OF PROCLAMATION(S) BY MAYOR:**

None.

5. **CONSENT AGENDA:** ALL ITEMS UNDER THIS SECTION ARE RECOMMENDED FOR APPROVAL FOR THE "CONSENT AGENDA". THESE ITEMS ARE OF A ROUTINE NATURE AND REQUIRE ONLY BRIEF DELIBERATION BY COUNCIL

- A. MINUTES OF CITY COUNCIL MEETING MAY 11, 2010
- B. MINUTES OF SPECIAL CALLED CITY COUNCIL MEETING MAY 14, 2010
- C. BILLS PAYABLE FOR PERIOD ENDING MAY 25, 2010

**Mayor Pro Tem Crews moved, seconded by Council Member Minter, to approve consent agenda items A, B, and C as presented. All voted "Aye."**

6. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

None.

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

7. CONSIDER APPROVAL OF EMPLOYEE HEALTH, LIFE AND MEDICAL INSURANCE RATES FOR PLAN YEAR JULY 2010-JUNE 2011---PRESENTED BY DEE BEASLEY-HAYDEN, BRINSON BENEFITS, INC.

Dee Beasley-Hayden, Brinson Benefits, presented a summary of the open enrollment bids and responses for employee health insurance for the 2010-2011 enrollment year. The current health provider, Aetna, is the recommended provider with a 6.5% increase after final negotiations. Ms. Beasley-Hayden stated that the life insurance rates have a rate guarantee of two years and would be re-negotiated next year.

Mayor Earwood offered the opportunity for Ms. Beasley-Hayden to speak on the topic of healthcare reform at the Community Luncheon in June.

**Council Member Gordon moved, seconded by Council Member Minter, to approve the employee health, life and medical insurance rates for plan year July 2010 through June 2011 as presented. All voted "Aye."**

8. CONSIDER APPROVAL OF THE CONSULT A DOCTOR 24/7 PROGRAM AS AN ADDITIONAL BENEFIT FOR CITY EMPLOYEES

Dee Beasley-Hayden, Brinson Benefits, presented a new program that gives employees 24-hour/7-day a week access to a consultation with a doctor by phone without the expense of a co-pay. The expense of the program is \$2 per employee per month, totaling approximately \$1400 annually. Ms. Hayden-Beasley stated that this price would be valid for at least one year and she would attempt to negotiate the guaranteed price for additional time.

**Council Member Holland moved, seconded by Mayor Pro Tem Crews, to approve the Consult a Doctor 24/7 program as presented. All voted "Aye."**

9. CONSIDER FOR POSSIBLE APPROVAL A FINANCIAL ADVISORY AGREEMENT WITH WELLS NELSON AND ASSOCIATES LLC

Craig Cunningham, Wells Nelson and Associates LLC, recommended the issuance of Combination Tax and Revenue Refunding Bonds that could save the City additional interest and protect the City in the event that payment could not be made. Mr. Cunningham stated that Wells Nelson and Associates had made a concession on their fees to the City.

**Council Member Holland moved, seconded by Council Member Butler, to approve a financial agreement with Wells Nelson and Associates LLC as presented. All voted "Aye."**

10. CONSIDERATION AND ACTION REGARDING AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF RIVER OAKS, TEXAS, COMBINATION TAX AND SURPLUS REVENUE REFUNDING BONDS, SERIES 2010; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF THE BONDS; PROVIDING FOR THE SECURITY AND PAYMENT OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

Refer to agenda item number 9 for discussion.

**Council Member Holland moved, seconded by Mayor Pro Tem Crews, to approve Ordinance No. 846-2010, authorizing the issuance of City of River Oaks, Texas, combination tax and surplus revenue refunding bonds; providing for the security and payment of said bonds; providing an effective date; and enacting other provisions relating to the subject as presented. All voted "Aye."**

11. APPEARANCE OF W GALDO HOLGUIN REQUESTING ASSISTANCE REGARDING WATER LIEN ON THE RENTAL PROPERTY AT 4820 ALMENA

Wgaldo Holguin, owner of the property at 4820 Almena, was present to request additional time to pay a delinquent water bill incurred by the previous tenant at 4820 Almena.

CS Gregory stated that the City had unsuccessfully attempted to collect the delinquent amount from the tenant. CS Gregory added that according to state statute, a lien could be placed on the property for the delinquent amount unless the owner has an affidavit on file with the City Secretary stating that the property is rental property.

**Council Member Butler moved, seconded by Council Member Gordon, to allow Wgaldo Holguin 12 months to pay the outstanding water bill at 4820 Almena as discussed. All voted "Aye."**

12. CONSIDER APPROVAL OF IMPROVEMENTS TO THE FRONT OF THE COMMUNITY CENTER BUILDING (FROM MAY 11<sup>TH</sup> COUNCIL MEETING)

Mayor Earwood stated that the concrete work was recently performed to alleviate drainage issues and was funded by the drainage fund.

Council Member Butler requested the installation of two sidewalks at the Community Center. One sidewalk from the entrance of the Community Center to Winters and one sidewalk from the entrance of the Community Center to Blackstone.

Community Center Co-Directors spoke in favor of the proposed cover for the entrance and the proposed cover over the sidewalk that offer protection from the elements to visitors. Co-Director Baker stated that the drainage work has improved conditions at the Community Center, allowing the water to drain satisfactorily.

Council Member Holland spoke in favor of a sidewalk to Winters that would add symmetry to the appearance of the front of the Community Center.

Council Member Holland recommended obtaining the opinion of a knowledgeable contractor or engineer prior to erecting the covers at the entrance of the Community Center. Mayor Pro Tem Crews suggested to proceed with the covers as presented, saving the City a significant amount of money on engineering costs.

Two quotes were received for similar designs. Lawn Master Promo quoted \$19,805.00. Universal Forest Products quoted \$17,606.20. Concrete sidewalk work was quoted at approximately \$4.00 per square foot.

Mayor Pro Tem Crews asked where the additional \$10,000 that is needed to complete the project would come from. Mayor Earwood stated that the building maintenance fund could cover the cost. CS Gregory added that a mid-year budget adjustment could be made if necessary.

**Mayor Pro Tem Crews moved, seconded by Council Member Butler, to approve the proposed improvements to the front of the Community Center as presented with Universal Forest Products as the contractor and to include a sidewalk to Winters with the option for a second sidewalk at a later time. All voted "Aye."**

13. CONSIDER APPROVAL OF CONTRACT INSTRUCTOR AND ENTERTAINMENT SERVICES AT THE COMMUNITY CENTER

Community Center Co-Directors presented a contract that would establish consistent guidelines and fees for instructors.

CS Elam stated that Attorney Steve Woods had recently prepared a similar contract for another city.

Council Member Gordon recommended a contract for entertainers and a separate contract for instructors.

Mayor Earwood appointed himself and Mayor Pro Tem Crews to work with the Community Center Co-Directors and re-present the revised contracts to Council.

**No action was taken.**

14. DISCUSSION AND/OR ACTION ON UPCOMING COMMUNITY CENTER PROGRAMS, EVENTS AND/OR PLANNED OUTDOOR FACILITIES

Special Events Coordinator Shirley Wheat announced that Fun Friday would resume this year from June 11 through August 13.

Mrs. Wheat suggested that a basketball court be considered for the Community Center. CA Elam stated that EDC funds could be used for this project.

Mrs. Wheat suggested a farmer's market at the Community Center. CS Gregory noted that health permits would be required and the zoning ordinance would have to be amended to allow for such usage.

Mrs. Wheat asked if the haunted house should be continued. Council Members discussed the fact that the CCDAC red ribbon breakfast typically occurs during the time that the haunted house is set up. Council Members spoke favorably of continuing the haunted house. Council Members discussed moving any other events to alternate locations during this time to avoid damage to the haunted house décor.

**No action was taken.**

15. DISCUSSION AND/OR ACTION ON PROPOSED ACTIVITIES AT THE JUNE 26<sup>TH</sup> ALL AMERICAN FESTIVAL AS PRESENTED BY SHIRLEY WHEAT, SPECIAL EVENTS COORDINATOR

Mrs. Wheat stated that Mr. Green has agreed to allow usage of the parking lot adjacent to the Super Save parking lot during the All American Celebration on June 26. Additions to this year's event include an open microphone session and a hydraulic car show.

Council Members discussed the possibility of changing the name of the Community Center.

Council Member Holland mentioned whether it was necessary for the additional off-site special event signs with the recent installation of the electronic messaging center at City Hall. Council Members agreed that off-site signs offer additional visibility and exposure for Community Center events.

**No action was taken.**

16. CONSIDER APPROVAL OF "DIRECTORS" (MEMBERS) APPOINTMENTS FOR PLACES 2, 4 AND 6 TO THE ECONOMIC DEVELOPMENT CORPORATION (EDC)

CS Gregory stated that EDC Director Places 2, 4, and 6 should be reappointed at this time. Currently the EDC Places are as follows: Place 2 is Council Member Butler; Place 4 is Council Member Holland; and Place 6 is Citizen Leigh Turner. Council Members discussed making these positions three-year terms to coincide with the three-year Council Member terms. CA Elam stated the EDC Director positions must remain two-year terms.

CS Gregory stated that the oaths of office for the re-appointed EDC Directors would occur at the next meeting.

**Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve Director places 2, 4, and 6 to the Economic Development Corporation as discussed. All voted "Aye."**

17. CONSIDER APPROVAL OF APPLICATION PROCESS FOR 2010 JUNE BOARD APPOINTMENTS BY THE MAYOR UPON ADVICE AND CONSENT OF THE CITY COUNCIL

Mayor Earwood suggested a resume and interview type process for Board and Commission applicants similar to that recently used by the EDC. Mayor Earwood announced that a roll call would be taken during Board and Commission meetings for the purpose of establishing regular attendance of members. Mayor Earwood recommended that members with irregular attendance be considered for replacement. Council Member Gordon added that applicants could be screened by phone and suggestions for members delivered to the Mayor. Council Member Gordon recommended that a deadline be given for the receipt of applications.

Mayor Earwood directed CS Gregory to accept applications for 2010 Board Appointments from June 1<sup>st</sup> through July 1<sup>st</sup> and that Council would review the applications and appointments will be confirmed in July.

Mayor Pro Tem Crews requested that the ordinance regarding relatives on Boards be updated. CS Gregory replied that this topic would be presented to the Council in June.

**No action was taken.**

18. CONSIDER ELECTION OF A MAYOR PRO-TEMPORE FOR THE 2010-2011 TERM YEAR

Mayor Earwood offered the option to elect a Mayor Pro Tem by secret ballot or by nomination.

Mayor Pro Tem Crews extended appreciation for the rewarding opportunity of serving as Mayor Pro Tem for the past year.

**Mayor Pro Tem Crews moved, seconded by Council Member Holland, to elect JoAnn Gordon as Mayor Pro Tem for the 2010-2011-term year. All voted "Aye."**

18. CONSIDERANDO LA ELECCION DE EL SUPLENTE DE EL ALCALDE PARA EL PERIODO DE LOS AÑOS 2010-2011

El Alcalde Earwood ofreció la opción para elegir al Suplente del Alcalde por voto secreto o por nominación.

El Suplente de el Alcalde Crews extendió su apreciación por la oportunidad gratificadora de servir como Suplente del Alcalde por el año anterior.

**El Suplente del Alcalde Crews hizo la moción, secundado por el concejal Holland, para elegir a JoAnn Gordon como Suplente del Alcalde para el periodo de los años 2010-2011. Todos votaron "Si."**

19. CONSIDER APPROVAL TO ENTER INTO A CONTRACTUAL AGREEMENT FOR FIREWORKS

FC Crews presented the opportunity to enter into a multi-year agreement with Extreme Pyrotechnics to provide the fireworks for the annual All American Celebration. CA Elam expressed concern over the indemnification clause in the proposed contract and requested that any motion be subject to approval by the City Attorney.

FC Crews noted that Premier Pyrotechnics has requested payment for "free product" received by the City. The City recently issued a notice of cancellation to Premier Pyrotechnics. Council Members agreed to direct Staff to pay the \$331.84 as requested.

**Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to enter into an agreement with Extreme Pyrotechnics for fireworks, once approved by City Attorney Elam. All voted "Aye."**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

[At this time, Mayor Earwood announced that agenda item numbers 22 and 23 would be presented.]

22. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1201 OXFORD ST.**

At 9:09 p.m. Mayor Earwood opened the public hearing.

Building Inspector Sanders showed photos and cited substandard violations that include electrical, plumbing, and structural hazards at 1201 Oxford. Inspector Sanders reported mold, foundation deficiencies, broken windows and a dilapidated accessory structure. Inspector Sanders stated that the property is unsafe to occupy.

Mayor Earwood gave the opportunity for public comments. A representative for the property was not present.

At 9:16 p.m. Mayor Earwood closed the public hearing.

23. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1201 OXFORD ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

**Council Member Crews made the following motion "I move that the City Council find that the Building(s) located at 1201 Oxford St. based on evidence presented at the 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 Buildings to be repaired BY THE OWNER within 30 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) 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 30 days or by the existing Lienholder or Mortgagee of record to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. Motion seconded by Council Member Minter. All voted "Aye."**

[At 9:19 p.m. Mayor Earwood convened into executive session under Section 551.071 - Pending or contemplated litigation or to seek advice from an attorney.]

[At 10:08 p.m. Mayor Earwood reconvened into regular session.]

20. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **4833 OHIO GARDEN RD.**

At 10:08 p.m. Mayor Earwood opened the public hearing.

The Mayor opened with that any evidence presented tonight would be the property of the City. **Mrs. Jene Vega** asked the question if she could video? The City Attorney addressed the question and replied that she could video.

The Mayor then gave the Oath of Testimony to **Fire Chief Bill Crews (FC Crews)** and **Building Inspector Steve Sanders (BI Sanders)**. City Attorney then directly asked Mrs. Jene Vega as the owner representative; "Are you going to testify in this case?" **Mrs. Vega** asked if she needed to and the City Attorney responded that it was her responsibility to provide the burden of proof in this case. **Mrs. Vega** requested that this hearing be postponed until she could obtain an Attorney and the City Attorney responded that the City is not required to postpone the hearing since everything had been legally published and all persons with an interest were properly notified of the hearing date. The **Mayor** encouraged her to take the Oath and recommended the City Council not to take action tonight, but rather to just take testimony. The Mayor then administered the Oath of Testimony to **Mrs. Jene Vega**.

The **City Attorney (CA Elam)** announced that videos would be acceptable but the Mayor can set and establish parameters. **CM Crews** asked if the Vega's would have the opportunity to rebut the testimony that is to be given tonight. The City Attorney responded "Yes" if you leave the Public Hearing Open.

**Mayor** gave an overview of the purpose of this hearing citing an Administrative Search Warrant was obtained to enter the property on May 5, 2010 for the purpose of determining if the structure in its current condition is Substandard. **FC Crews** for the record indicated that **BI Sanders** and **FC Crews** will be testifying together due to the enormous amount of pictures that have to be presented and explained individually.



**Mayor Earwood** for the record stated that there would be no debates and only the facts will be presented at this hearing. For the record, **Mrs. Jene Vega** is representing the property at 4833 Ohio Garden Rd and is present at this hearing. The purpose of this hearing is for the City Council as the Building Board of Appeals to consider all testimony and following the Public Hearing to render a decision as to whether the main structure located on the property is in fact substandard and if found to be substandard to issue orders to abate all substandard violations in a reasonable time.

**Below is a summarized version of the testimonies given in this case and is based on a factual synopsis of the testimonies given. However, since these minutes were not performed by a certified stenographer; the statements herein although factual may be summarized and not word for word. Furthermore, be advised that every comment made in the Public Hearing may not be reflected herein as many of those comments were repetitive or is already provided for herein. Therefore, the following transcript is intended solely to provide a basic synopsis of the Public Hearing and of the testimonies therein.**

**TESTIMONY OF MAY 25, 2010:**

It is established by the **FC Crews** that the structure being considered at this hearing is the primary residence that faces Ohio Garden Rd. **BI Sanders testified** that all permits have expired and the remodeling work on this structure has ceased and there exists numerous health, safety and welfare violations that could be a hazard to the occupants therein. In going through the pictures slide by slide as taken during the inspection of May 5, 2010 it was **testified by FC Crews** that there exists unprotected wood that is subject to deterioration, Eaves that are not sealed, open chases and holes in the attic that would intensify the flame spread in the event of a fire resulting in structural collapse. **FC Crews** in going through the slides provided evidence of potential electrical violations that could cause electric shock and be a potential source of flame ignition due to unprotected open boxes, coiled electrical wire that could be hot, improper wire connections and evidence of wiring sparks on exposed wiring.

**Steve Woods of TOASE** asked the question "Does the Code require open electric boxes to be covered?" **BI Sanders** responded that it is provided in the 2005 National Electric Code for boxes to be covered.

**BI Sanders testified** that open holes and wood deterioration pursuant to the International Property Maintenance Code are conducive to causing wood rot and mold.

**FC Crews testified** that the living quarters are separated from the construction area only by means of a plastic covering and that they would have to provide a minimum one-hour firewall that consists of 5/8" firework being installed on both sides of the interior wall that separates the living area from the construction area. In the construction areas the slides presented indicated open structural members (walls), open flooring of which loose plywood had been placed to walk on that was not secured and is capable of causing injury. The attic area is open above the second floor which in the

case of fire would allow the structure to collapse in 16-minutes maximum time and in 5-9 minutes minimum.

**BI Sanders reported** that he believes because the structure is occupied, there exists hazards to those occupants in that the coiled electrical wire as pictured could be a source of fire ignition and with the open floors on the second floor and other open structural members in the house there is the possibility of imminent structural collapse in the event of a fire. **Mayor Pro-tem Gordon** questioned whether this was temporary electric wiring that is being introduced into evidence and **BI Sanders** responded that it was.

**FC Crews and BI Sanders produced evidence** from the picture slides of improper wood notching that exceeds more than 50% of the truss or plate and therefore it diminishes their structural integrity and is in violation of the Building Code. FC Crews testified that the pictures indicate improper sewer vents that vent inside the structure and are conducive to producing methane gas capable of causing suffocation. Also pictured in the second story was an improper gas vent probably from the downstairs hot water heater that could cause carbon monoxide poisoning. **Steve Woods** questioned for the record if this was a danger to the occupants and **FC Crews** responded that carbon monoxide is a silent killer, colorless, odorless gas that could cause suffocation to any occupants therein. It was noted that this alone is enough to order the structure vacated. **FC Crews** also reported there were improperly supported gas lines that had not been properly secured to the rafters.

The pictures also visualized daylight from the outside of the structure indicating the exterior walls were not properly sealed or weather proofed. From the pictures the pool outside was green probably from algae and was testified as being conducive to mosquito breeding. **Jene Vega** responded that the pool had been drained a few days prior in order to replace the filter and it doesn't take long for the water to turn green. **FC Crews** again showed other pictures that indicated unsheathed electrical wiring and other electrical wiring with evidence of burn spots on them. **Jene Vega** asked **BI Sanders** if those burned spots was on the wire during his previous inspections and he responded that it was. **FC Crews** showed pictures of taped electrical joints that were not properly connected according to the code. Also, pictures were shown that indicated there were improper vent stacks to the plumbing fixtures. **CA Elam** asked if the toilets were functional, in which **FC Crews** said yes.

**BI Sanders** reported from the pictures that there would be a danger in that there was not proper air conditioning especially when temperatures rise to the 100 degree mark. **BI Sanders** stated in the code it is required that there be proper heating and air conditioning. **CS Gregory** stated the air conditioning requirement is not officially adopted at this date, but the heating requirement is in the code.

**CA Elam** questioned how many stories there were to this house and **FC Crews** responded that there were 2 stories and an attic space that was not sealed and was open to the outside. **BI Sanders explained** again that also visible in the pictures were improper vent stacks and stated the upstairs hot water heater would be required to have a pan in order to avoiding upstairs water damage from the heater. A pop-off line

would be required to go full sized to the outside from the hot water heater in the event the water heater malfunctioned. Also, the dryer vent must go to the outside. **BI Sanders testified** that all sewer vents are required to terminate through the roof. **Jene Vega responded** that when the walls were tore out; they discovered that the vents terminated inside the walls and do need to go outside as required.

**CA Elam questioned** and it was confirmed that this would be a structure typical to one that is under construction and not being occupied. The problem is that it is being occupied while the construction work is on-going.

**FC Crews** testified that there was electric wire extending out of the attic to the outside and going to the A/C Unit. **Jene Vega** responded that it was orange wire. **FC Crews** said that it was both yellow and orange and the yellow wire was new. CA Elam question if a licensed electrician installed the wiring. **FC Crews and BI Sanders answered "No"**. **FC Crews also testified** that the outside light box was falling down and **Jene Vega** said it was the electric eye not a box. By Code, outside electrical wiring must be in conduit and pictures indicate there are several electrical wires that are not in conduit.

**BI Sanders** testified that the outside brick was falling in towards the structure and **Jene Vega** responded that is because there was no brick ties to support it. **FC Crews reported** that there were no weep holes in the base of the wall. There is an open ditch in the yard in which somebody could trip over and fall. There is an open mezzanine that needs to be brought up to code and the back building is having stucco added to the outside and is currently permitted.

**FC Crews as the City Fire Marshal** testified that he finds that the main structure is inhabitable in its present condition due to health and safety violations as cited and recommends that the occupants be vacated. **BI Sanders** testified that he finds that the structure in its present condition is a hazard the public health, safety and general welfare of the public and of the occupants and recommends that the structure be vacated until brought up to code. **CA Elam** asked if the part of the structure being lived in could be secured while the construction is on-going. **FC Crews responded** that the Building Code does provide for a temporary certificate of occupancy, but in this case the living area would have to be secured from the rest of the structure that is under construction with a minimum one-hour fire wall that consists of 5/8 sheetrock installed on all walls separating the construction area from the living area and providing that everything else in the living area was up to code.

**CA Elam** for the record explained that it will be the property owners' responsibility to provide the scope of work to be done, and the time frame it will take to abate all of the substandard violations. **Mayor Earwood** requested that the owners' provide a financial statement to insure that they have adequate funds to complete the renovation. **CA Elam** then notified **Mrs. Jene Vega** as the owner representative that it is the owners' duty to provide the scope of work to bring the property into compliance and proof of financial responsibility. It was recommended to Mrs. Vega that she consult with an Attorney and bring back more information before the decision is made. **Jene Vega** asked if she had intimidated anyone and the response from the **Mayor** was no and she commenced to ask then why did we send squad cars and officers in order to inspect the

property. **Mayor Earwood** responded that was our process in following proper procedure. **Mrs. Vega** said she has never denied anyone access to the house and has asked **BI Sanders** on many occasions to come and inspect, but he never came. She stated the house has been allowed to rot because she was told she could not cover the walls by the City Inspector. Question was raised about the occupants living there and **Jene Vega** responded that the only occupants were her.

**With no other testimonies or comments to be brought forth before the Building Board of Appeals (City Council) the Mayor announced that this Public Hearing would be continued on June 8, 2010 at 7:00 P.M.**

21. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4833 OHIO GARDEN RD.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

**No action was taken.**

22. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1201 OXFORD ST.**

This agenda item was discussed prior to agenda item numbers 20 and 21.

23. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1201 OXFORD ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

This agenda item was discussed prior to agenda item numbers 20 and 21.

**ORDINANCES / RESOLUTIONS AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

24. CONSIDER APPROVAL OF ORDINANCE **# 843-2010** AMENDING THE 2010 EDC BUDGET FOR CITY HALL SIGNAGE

No discussion occurred.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 843-2010 amending the 2010 EDC Budget for City Hall signage. All voted "Aye."**

25. CONSIDER APPROVAL OF ORDINANCE **# 844-2010** AMENDING THE 2010 BUDGET FOR LIBRARY AND COMMUNITY CENTER DOLLAR DONATION EXPENDITURES

No discussion occurred.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 844-2010 amending the 2010 Budget for Library and Community Center dollar donation expenditures. All voted "Aye."**

26. CONSIDER APPROVAL OF ORDINANCE # **845-2010** AMENDING THE 2010 BUDGET FOR PURCHASE & INSTALLATION AGREEMENT WITH STANDARD RENEWABLE ENERGY FOR SOLAR PANELS

Council Member Crews noted that the approval of the proposed ordinance is contingent on approval of the Oncor rebate. CS Gregory noted that a refundable deposit of \$4,706.95 is required.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 845-2010 amending the 2010 Budget for the purchase and installation agreement with Standard Renewable Energy for solar panels as discussed. All voted "Aye."**

**STAFF REPORTS:**

27. **STAFF REPORT ON SUBSTANDARD PROPERTIES AT:**

- 1129 ST. EDWARDS – No report was given.
- 1728 HILLSIDE – CS Gregory announced that this property would be presented to the Council in June.

28. **SUBSTANDARD PROPERTIES UNDER VOLUNTARY COMPLIANCE AT:**

- 724 THERSA – No report was given.

29. **REPORT ON PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 1219 HARVARD – CS Gregory announced that this property would be presented to the Council in June.

30. **PROPERTIES UNDER INTENT TO SUBSTANDARD:**

- 5400 RIVER OAKS BLVD. (TOP 40 VIDEO) – Mayor Earwood stated that the owners of this property have committed to demolish the structure.
- 5501 BLACK OAK LANE – Inspector Sanders reported that this property has been deemed substandard and ordered vacated following a fire.
- 1229 CHURCHILL – No report was given.

31. **SUBSTANDARD PROPERTIES RELEASED:**

- 1412 LAWRENCE – No report was given.

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

32. **POLICE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED

**No discussion or action.**

33. **FIRE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

36. **MUNICIPAL COURT** INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES

**No discussion or action.**

37. **PUBLIC WORKS MONTHLY ACTIVITY REPORT** INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS

**No discussion or action.**

38. **PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

**PUBLIC FORUM:**

43. 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**

**Steve Sanders** extended appreciation for support of Council Members, Staff, and others during the recent passing of his brother.

**EXECUTIVE SESSION:**

44. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSIONS(S) FROM TIME TO TIME ON ANY POSTED AGENDA ITEM TO RECEIVE ADVICE FROM ITS ATTORNEY AS PERMITTED BY LAW DURING THIS MEETING. THE COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- b. Section 551.072 Discussion regarding possible purchase, exchange, lease or value of real property:
- c. Section 551.074 Personnel matters – To deliberate the appointment, employment, evaluation, reassignment of duties, discipline or dismissal of

- a Public Officer or Employee or to hear a complaint or charge against an Officer or Employee
- d. Section 551.076 Deliberation regarding security devices

[At 9:19 p.m., prior to agenda item number 20, Mayor Earwood convened into executive session under Section 551.071 - Pending or contemplated litigation or to seek advice from attorney.]

[At 10:08 p.m. Mayor Earwood reconvened into regular session.

**RECONVENE:**

- 45. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

- 46. ADJOURN

**At 11:57 p.m. Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

\_\_\_\_\_  
Herman Earwood, Mayor

**ATTEST:**

\_\_\_\_\_  
Marvin Gregory, City Secretary