

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 13, 2016**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
EMC COORDINATOR JAMES MYRICK
PUBLIC WORKS DIRECTOR GORDON SMITH
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
ASSISTANT CITY SECRETARY PAULA LUCK
ATTORNEY ANDREA RUSSELL FOR 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, December 13, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

David Holder, Citizen and CISD Board President, delivered the Invocation.

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

David Holder, Citizen and CISD Board President, led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

- SPECIAL PRESENTATION FROM CISD SCHOOL BOARD TO CITY COUNCIL
- SPECIAL RECOGNITION HONORING PARKER HANNIFIN OF STRATOFLEX

Mayor Earwood recognized Parker Hannifin for the participation of generous donations to the Community Center and the community.

CISD Board President David Holder introduced Superintendent John Ramos, Board Vice-President Kenneth Romo, Secretary Mary Lou Martinez (not present), Board Member Doug Lee, Board Member Bill Seybold, Board Member Cathy Gatica and Board Member Dewey Taliferro. Mr. Holder read a brief history of the City of River Oaks and Castleberry ISD expressing appreciation for cooperation and collaborative support with the school district. It was mentioned that joint meetings will be held starting soon between the City and the School District.

At 7:09 Mayor Earwood called for a brief recess.

At 7:27 Mayor Earwood reconvened the meeting.

At 7:28 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074 and Section 551.076.

At 7:38 p.m. Mayor Earwood reconvened into regular session.

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 NOVEMBER 22, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING DECEMBER 13, 2016 (FY 2017)
- C. APPROVE STORM WATER FUND 4TH QUARTER FINANCIAL REPORT (JULY 1 – SEPT 30, 2016).
- D. APPROVE THE 4TH QUARTER DELINQUENT PROPERTY TAX COLLECTION REPORT FROM LINEBARGER, GOGGAN, BLAIR & SAMPSON LLP

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve consent agenda items A through D. 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. DISCUSSION AND/OR ACTION ON AMENDING OR ENFORCING THE JUNE 28, 2016 ORDER OF THE BUILDING BOARD OF APPEALS AS AMENDED ON THE SUBSTANDARD PROPERTY AT 901 CHURCHILL

Thomas Bankston, gave a progress report, stating that they are ready to turn on water and the exterior of house has been painted. BI Sanders reported that 12 windows have been installed and he recommended allowing for the water to be turned on allowing them to continue making progress. Mr. Bankston gave an approximate completion time of 3-4 weeks.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to extend the order through January 10, 2017 with additional time contingent on another staff update and authorize temporary water to be established. All voted "Aye."

8. CONSIDER APPROVAL OF MEMORANDUM AGREEMENT WITH THE CITY OF FORT WORTH FOR PERMITTING AND USAGE OF 250 ROBERTS CUT OFF RD.

CS Gregory reported that 16-feet of the building is in River Oaks with the remainder of the structure in Fort Worth. Based on the industrial zoning designation with the City of Fort Worth which allows alcohol sales, a pub has been proposed for this location. River Oaks zoning does not allow alcohol sales in this district. A boundary adjustment was suggested which will be presented to the City Council in January after meeting with the City of Fort Worth. Concern was expressed about "walking away from revenue generating property". CS Gregory will research property tax allocation.

No action was taken.

9. CONSIDER APPROVAL TO JOIN THE TARRANT REGIONAL TRANSPORTATION COALITION AND PAY THE ANNUAL MEMBERSHIP DUES

CS Gregory recommended continuing with the coalition. Patricia Ward stated that the coalition focuses on the west side of the engineering district, particularly on the west part of Tarrant County and recommended participation especially for the networking aspect of the coalition.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to continue participation in the Tarrant County Regional Transportation Coalition and pay the annual membership dues of \$729. All voted "Aye."

10. CONSIDER APPROVAL TO EXCAVATE AND REPLACE THE DUCTILE IRON SEWER MAIN IN REAR OF THE PROPERTIES IN THE 4600 BLOCK OF WHITE OAK LANE; AN EXTENSION OF THE HOPE ST. PHASE I SEWER LINE IMPROVEMENTS PROJECT AS RECOMMENDED BY THE PUBLIC WORKS DIRECTOR

PWD Director recommended approval of the change order to replace 120 feet of the aerial Crossing of the channel due to the buildup and offset of the line with Tejas Construction in the amount of \$38,590.

CM Scott moved, seconded by CM Gordon, to replace the aerial water crossing and award the bid to Tejas Construction in the amount of \$38,590. All voted "Aye."

11. CONSIDER APPROVAL OF RECOMMENDATION FROM THE ZONING BOARD OF ADJUSTMENTS TO APPLY FEES ALREADY PAID FOR VARIANCE REQUEST TO BE APPLIED TO ZONING TEXT AMENDMENT FEES APPLICABLE TO REVISING THE DEPTH REQUIREMENT IN AN R-4 SINGLE-FAMILY ZONING DISTRICT

CS Gregory explained that the Zoning Board of Adjustments had recently heard a variance request reducing the 110-foot lot depth requirements in an R-4 Single Family Zoning District, which could not be substantiated with a hardship. CS Gregory suggested the issue be presented to the Planning and Zoning Commission then the City Council as a zoning text amendment. CS Gregory recommended the fee of \$250 paid to the ZBA be applied to the zoning text amendment fee of \$700. CM Holland, ZBA liaison, relayed some of the history of the city that several lots have been split in this same manner in order to make best use of the land. It was suggested the amendment would affect several properties and could be generated by staff which would not require a fee.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to direct staff to continue researching and if appropriate bring it to P&Z and Council as a staff generated proposal that would not generate a fee. All voted "Aye."

12. CONSIDER APPROVAL OF REQUEST FROM TIERRA MCCUTCHEON-RAPER FOR USE OF THE COMMUNITY CENTER WEEKLY ON SATURDAYS FOR KID'S PROGRAMMING

Shirley Wheat presented a request for a program benefitting young girls and young women which teaches life skills one Saturday per month. Ms. Wheat reviewed the background and qualifications of the requestor who could not be present. Her experience includes programs in Waco and Haltom City. Several concerns were expressed resulting in the request for the program leader to be present before council could render a decision.

No action was taken.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING SUBSTANDARD PROPERTY LOCATED AT 1202 BANKS ST.

At 8:22 p.m. Mayor Earwood opened the public hearing.

BI Sanders showed photos and reported the exterior is complete, the interior is in the framing stage and new permits would be required. BI Sanders cited electrical, plumbing and mechanical violations that remain. BI Sanders recommended a 30-day extension with weekly progress checks. BI Sanders stated that a plan of action has been submitted without specific dates. BI Sanders presented the request of the owner for a 6-month extension.

Enrique Sanchez, 1202 Banks, requested 3-months to complete the repairs. Mr. Sanchez explained that some contractors have not completed the project after receiving payment.

At 8:31 p.m. Mayor Earwood closed the public hearing.

14. ACTION FROM PUBLIC HEARING: Consider Council Orders on the property at 1202 BANKS ST. 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 Holland moved, made the following motion, "I moved that the City Council find that the building located at 1202 Banks based on the evidence presented at this hearing is substandard; and 1) that the conditions set forth in this 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 not feasible of repair; and therefore order that 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) 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 lienholder or mortgagee to within an additional 30-days if the owner does not comply and further find if the building is not repaired within that time there is no feasible probability that the building will be repaired within a reasonable period of time if time is given and 4) require that weekly progress checks be made by staff who will report to Council at Council meetings. Motion seconded by CM Scott. All voted "Aye."

15. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

BI Sanders showed photos and reported meeting with an heir of property whose intention is to stop the foreclosure and repair the structure. Sanders reported the main structure is feasible of repair. Sanders recommended demolition of the accessory structure. CA Elam requested a new title search with additional notification to all parties prior to taking an action. It was mentioned that the foreclosure is scheduled for February.

Mayor Earwood announced that this public hearing would remain open and be continued on January 10, 2017 at 7:00 p.m.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** 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

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF ORDINANCE # 1132-2016 AMENDING THE 2016-2017 GENERAL FUND BUDGET BY EXPANDING IT TO ALLOW FOR THE ADDITIONAL EXPENDITURE ASSOCIATED WITH THE PUBLIC WORKS OFFICE IMPROVEMENTS

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1132-2016 amending the 2016-2017 General Fund Budget by \$5161.03. All voted "Aye."

STAFF REPORTS:

18. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on some of the following properties:

- 5008 SHERWOOD – For sale, no approve certificate of occupancy. No action will be taken until ownership changes or the condition of the property changes.
- 603 HARRISDALE – scheduled to be demolished tomorrow.
- 4900 ALMENA RD. – Richard Mack requested information on the property to which Mayor Earwood stated it is tied up in litigation.
- 5905 BLACK OAK – District Court
- 5909 BLACK OAK – District Court
- 4829 KESSLER – Off substandard
- 1202 BANKS – 90 days to repair under council order
- 619 HARRISDALE – roof has been removed. Owner has ceased work temporarily to attend the funeral of a family member.
- 5411 PURDUE –
- 606 WORTHVIEW – discussed earlier
- 901 CHURCHILL – discussed earlier
- 5513 AMHERST – Active building permit
- 1123 YALE – has been removed
- 1505 GREENBRIER – actively working
- 5600 TAYLOR – actively working

No action was taken.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

PC Carter reported the new Tahoe has arrived.

PC Carter reported the hiring of a new dispatcher.

No action was taken.

20. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

23. 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.

24. 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

PWD Gordon reported the surveyor will be working on the drainage ditch behind city hall.

PWD Gordon reported a crane replacing A/C unit at the police department tomorrow.

PWD expressed appreciation, on behalf of Fabian Neathery, to the volunteers who painted his house.

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

29. 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.

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

No discussion occurred.

PUBLIC FORUM:

31. 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**

CM Holland mentioned the planning session and requested continued work on those projects and plans.

Mayor Pro Tem Ashton gave a reminder of funeral services for Bob Minter on Friday.

Mayor Pro Tem Ashton noted that Gerald Graham, long-time resident on Harvard, passed away.

Mayor Earwood requested prayer for Coy Byrom.

Mayor Earwood reported a successful Employee Christmas Dinner.

Many holiday greetings were expressed.

EXECUTIVE SESSION:

32. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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: **Substandard Property at 4900 Almena Rd.**
- b. Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- c. Section 551.074 Personnel matters – To deliberate the appointment, employment, evaluation, reassignment of duties, discipline or dismissal of a Public Officer or Employee or to hear a compliant or charge against an Officer or Employee. **Salary Adjustment for City Administrator.**
- d. Section 551.076 Deliberation regarding security devices.

Executive session was utilized prior to agenda item 5.

RECONVENE:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

34. ADJOURN


At 9:04 p.m. CM Butler moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor