

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 10, 2015**

MEMBERS PRESENT:

MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

MEMBERS ABSENT:

MAYOR HERMAN EARWOOD (PERSONAL)
COUNCIL MEMBER BRUCE SCOTT (MEDICAL)

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
RECORDING SECRETARY SUSAN STEWART
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Holland called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, March 10, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton delivered the Invocation.

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

CS Gregory led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS

Mayor Pro Tem Holland read a proclamation declaring March 15 through March 21, 2015 as Poison Prevention Week.

Mayor Pro Tem Holland read a proclamation declaring April 2015 as Cleanup Month and April 25, 2015 as Clean Up 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 FEBRUARY 24, 2015 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING MARCH 10,2015 (FY 2015)

CM Gordon moved, seconded by CM Butler, to approve consent agenda items A and B as presented. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF THE 2013-2014 FISCAL YEAR AUDIT REPORT AND PROPOSAL FOR THE 2014-2015 FY AUDIT AS PRESENTED BY WILLIAM SPORE, CPA

Bill Spore was present to answer any questions and present the proposal for the 2014-2015 audit.

CM Gordon moved, seconded by CM Ashton, to approve the 2013-2014 fiscal year audit report and accept the letter of intent for the 2014-2015 fiscal year audit. All voted "Aye."

8. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5401 TAYLOR RD. AS REQUESTED BY MIGUEL RODRIGUEZ

Miguel Rodriguez, 5401 Taylor, requested to replace the plastic siding on his house with hardi-board siding.

CM Ashton moved, seconded by CM Gordon, to approve horizontal hardi-board at 5401 Taylor. All vote "Aye."

9. CONSIDER APPROVAL TO AMEND THE JUNE 24, 2014 BOARD ORDERS ON **5008 SHERWOOD** TO ABATE SUBSTANDARD VIOLATIONS WITHIN 30-DAYS AND TO AMEND THE DECEMBER 9, 2014 ORDER THAT ASSESSED CIVIL PENALTIES FOR FAILURE TO COMPLY WITH THE JUNE 24, 2014 ORDERS

Tatiana Walls (sp?), representative for Roundpoint Mortgage Servicing, requested the fees assessed against the property be waived. Ms. Walls also requested the requirement of abatement for the interior violations be postponed until the property is sold to a third party or the foreclosure process is complete which may take up to six months.

CEO Jones reported two city liens on this property and an open work-order to abate high-grass. Jones stated that the City has previously maintained and continues to maintain the property when necessary. CEO Jones added that the property preservation representative had agreed to complete some of the repairs but those items remain in violation. COE Jones reported that the junk and debris was removed by the property preservation representative from the inside.

Ms. Walls requested 60-days to bring the outside of the property into compliance and she requested a stay of the order to bring the inside into compliance at this time. Council Members were receptive to the request and will re-evaluate any further request in 60-days.

Staff was directed not to take further enforcement action until after the 60-day re-evaluation period.

No action was taken.

10. DISCUSSION AND/OR ACTION ON PROPOSED COMMUNITY CENTER EVENTS:

Community Center Directors, Shirley Wheat and Shirley Bloomfield, presented the following events under consideration:

- GOSPEL SINGING – a group of churches with bands and singers will perform on April 4, 2015. The normal fee split is expected for this event.
- CHILDREN EVENT – a monthly talent show contest with the entry fee proceeds going to the winner.
- RENTAL PROMOTING YOUNG LIVING OILS – a monthly class during open hours with an 80/20 split for the fees for the class.

No action was taken.

11. CONSIDER APPROVAL OF FIRE CHIEF SHELLEY'S REQUEST TO SELL FIRE DEPARTMENT LAPTOP COMPUTERS TO ANOTHER ENTITY AND USE PROCEEDS TO INSTALL MOBILE DATA TERMINALS IN FRONTLINE FIRE APPARATUS

No discussion or action was taken on this item.

12. CONSIDER APPROVAL OF PAYROLL DEDUCTION FOR FIREARM PURCHASE BY POLICE OFFICERS

PC Carter requested to purchase fire arms for the police officers which would be reimbursed by the officers through payroll deduction. CA Elam requested the agreement be updated. PC Carter verified that the weapons would be registered to the individual police officers, not to the City.

CM Ashton moved, seconded by CM Butler, to approve payroll deduction for firearm purchase by police officers in the amount of \$18,694.94 with the provision that the agreement reflect the City will not own the weapons, they will be owned by the officers. All vote "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING CONTINUED FROM FEBRUARY 24, 2015: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 5008 PENROD CT.

Mayor Pro Tem Holland announced that this public hearing is continued from February 24, 2015.

CEO Jones showed photos that were taken when administrative search warrant #2015-03 was executed on March 9, 2015. COE Jones stated that the property remains in substandard

condition. CEO Jones cited structural, plumbing, electrical, mechanical and property maintenance violations that cause the property to remain in substandard condition.

At 7:56 p.m. Mayor Pro Tem Holland closed the public hearing.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **5008 PENROD CT.** 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 Ashton made the following motion, "I move that the City Council find that the building located at 5008 Penrod Ct. 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 is feasible of repair and therefore ORDER the building to be repaired BY THE OWNER OF RECORD 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; and 5) ORDER that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaled until all substandard fees are paid in full. Motion seconded by CM Gordon. All voted "Aye."

15. **PUBLIC HEARING:** : IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED **TEXT AMENDMENT** TO COMPREHENSIVE ZONING ORDINANCE # 920-2012, AS AMENDED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) UNDER CHAPTER 14, EXHIBIT A "ZONING ORDINANCE", TO:

- i. Amend Article 14.03 "Zoning and Sign Ordinances"*
- ii. Amend Section 4 "Definitions" of the River Oaks Comprehensive Zoning Ordinance*
- iii. Amend Section 20 "Parking and Vehicular Circulation Requirements" pertaining to the parking of major recreational vehicles in the front yard on concrete surfaces only.*
- iv. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be concrete.*
- v. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that for a use other than a single-family use, the surface of a parking space,*

- maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete.*
- vi. Amend Section 21 "Fence Regulations" in that a fence shall be constructed of metal, chain link, wood, masonry, or any other code approved material.*
 - vii. Amend Section 21 "Fence Regulations" in that fences constructed of an ornamental material such as decorative wrought iron may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official.*
 - viii. Amend Section 21 "Fence Regulations" requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.*
 - ix. Amend Section 22 "Accessory Uses" in that the accessory building may not exceed the size of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings.*
 - x. Amend Section 22 "Accessory Uses" requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts.*
 - xi. Amend Section 22 "Accessory Uses" in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector.*
 - xii. Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 13.5 in that Snow cone stands previously approved by the City Council shall be permitted to operate subject to City Council approval each year for a period not to exceed 180 days unless otherwise approved by City Council.*
 - xiii. Amend Section 22 "Accessory Uses" requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure.*
 - xiv. Amend Sec. 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size.*
 - xv. Amend Section 27A "Landscaping Requirements" in that all uses that were in existence at the time of the adoption of the Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use.*
 - xvi. Amend Section 28 "Nonconformities"; "Alteration in Size of Structure" in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H.*

Mayor Pro Tem Holland announced that this public hearing is continued from February 24, 2015.

Mayor Pro Tem Holland proposed no final vote on the proposed amendments allowing the absent members of the City Council to participate in discussion and voting, however the public was invited to participate in this public hearing.

Royce Shields, Zoning Board of Adjustments (ZBA) Chairman, gave the recommendation of the ZBA to increase the size of accessory buildings and the size of porches due to the number of cases heard by the ZBA.

James Myrick, Planning and Zoning Commission Chairman, gave the recommendation of the board to adopt the amendments as proposed.

Citizen Shirley Wheat spoke in opposition of the proposed parking surface behind the house, stating that it is unenforceable for the code officers. CEO Jones explained the purpose of the proposal is to offer an option other than concrete for utility trailers, boats, etc. CM Butler added that gravel allows the water drain, assisting with flood control, which concrete does not. Ms. Wheat presented photos of code violations, requesting that existing ordinances be enforced before adding new ones.

Citizen and ZBA Member John Claridge, 5355 Baylor, spoke in favor of the proposed amendments for increasing the size of accessory structures and porches.

ZBA Chairman Shields expressed concern that waiting to vote on the amendments is causing a delay for some citizens who have placed their projects on hold in anticipation of the proposed changes.

Mayor Pro-Tem Holland announced that this public hearing shall remain open and be continued on March 24, 2015 at 7:00 p.m.

16. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 1060-2015 of the proposed **text amendments** to Comprehensive Zoning Ordinance # 920-2012, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance to:

- i. Amend Article 14.03 "Zoning and Sign Ordinances"*
- ii. Amend Section 4 "Definitions" of the River Oaks Comprehensive Zoning Ordinance*
- iii. Amend Section 20 "Parking and Vehicular Circulation Requirements" pertaining to the parking of major recreational vehicles in the front yard on concrete surfaces only.*
- iv. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be concrete.*
- v. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that for a use other than a single-family use, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete.*

- vi. *Amend Section 21 "Fence Regulations" in that a fence shall be constructed of metal, chain link, wood, masonry, or any other code approved material.*
- vii. *Amend Section 21 "Fence Regulations" in that fences constructed of an ornamental material such as decorative wrought iron may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official.*
- viii. *Amend Section 21 "Fence Regulations" requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.*
- ix. *Amend Section 22 "Accessory Uses" in that the accessory building may not exceed the size of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings.*
- x. *Amend Section 22 "Accessory Uses" requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts.*
- xi. *Amend Section 22 "Accessory Uses" in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector.*
- xii. *Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 13.5 in that Snow cone stands previously approved by the City Council shall be permitted to operate subject to City Council approval each year for a period not to exceed 180 days unless otherwise approved by City Council.*
- xiii. *Amend Section 22 "Accessory Uses" requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure.*
- xiv. *Amend Sec. 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size.*
- xv. *Amend Section 27A "Landscaping Requirements" in that all uses that were in existence at the time of the adoption of the Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use.*
- xvi. *Amend Section 28 "Nonconformities"; "Alteration in Size of Structure" in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H.*

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **ORDINANCE # 1063-2015** EXPANDING THE FY 2015 WATER FUND BUDGET BALANCE BY EXPENDING FUNDS FOR AN UNPLANNED EXPENDITURE

IN ORDER TO REPAIR THE PIPING, VALVES AND CHEMICAL PUMPS AND MOTORS IN THE CHEMICAL ROOM AT THE WATER PLANT.

CM Butler moved to approve Ordinance #1063-2015.

CS Gregory explained that the SCADA upgrade has revealed several chemical piping and valve problems that should be resolved in order for the entire system to function properly.

Motion seconded by CM Ashton. All voted "Aye."

18. CONSIDER APPROVAL OF **ORDINANCE # 1064-2015** APPOINTING THE ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF RIVER OAKS TO FILL THE UNEXPIRED TERM.

No discussion occurred.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1064-2015. All voted "Aye."

STAFF REPORT:

19. UPDATE OF STAFF ACTION TAKEN PURSUANT TO COUNCIL DIRECTION ON THE NON-COMPLIANT CERTIFICATE OF OCCUPANCY PERMIT AT 4412 LAWRENCE RD.

Building Inspector Sanders reported that the electrician has scheduled an inspection for tomorrow. Staff anticipates compliance at that time.

No action was taken.

PUBLIC FORUM:

20. 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

EMC Myrick expressed appreciation to first responders and the public works department for their support during the recent inclement weather events.

CM Ashton thanked the fire department for a quick response when his mother had a recent health scare.

CM Gordon thanked PWD Hatley and the public works staff for their assistance during the recent bad weather.

EMC Myrick reported that the CASA system was fully utilized during the winter weather events, thanking council members for their support in that program.

PC Carter announced the annual awards banquet on March 27, 2015.

PC Carter stated that the Knights of Columbus recognized officers Timothy Whitley, Nathan Wilson, and Sergeant Steven Nance for a life-saving event.

PC Carter reported a crime spree of spray paint and vandalism that is currently being investigated in the area of Lydick, Red Oak, Carondolet, Black Oak and White Oak.

EXECUTIVE SESSION:

21. 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:

- 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:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


None.

ADJOURN:

23. ADJOURN

At 9:05 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:



Steve Holland, Mayor Pro Tem

ATTEST:



Marvin Gregory, City Secretary