

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 22, 2014**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF CHRIS HAWKINS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE COMPLIANCE OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
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 22, 2014 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

Russell Shelley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- PUBLIC SAFETY TELECOMMUNICATORS WEEK

Mayor Earwood read a proclamation declaring April 13 – April 19, 2014 as Public Telecommunicators Week.

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 APRIL 8, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING APRIL 22, 2014 (FY 2014)
- C. APPROVAL OF 2ND QUARTER FY 2014 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT

- D. APPROVAL OF 2ND QUARTER FY 2014 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT
- E. APPROVAL OF 2ND QUARTER FY 2014 INVESTMENT REPORT
- F. APPROVAL OF TERMINATION, PROMOTION OR HIRING OF PUBLIC WORKS EMPLOYEES
- G. RATIFY CONTRACT WITH TARRANT COUNTY ELECTIONS AND APPROVE DEPOSIT PAYMENT FOR MAY 10, 2014 ELECTION
- H. APPROVE RECOMMENDATION OF THE ZONING BOARD OF ADJUSTMENTS TO APPOINT CORNELL ADDINGTON AS THE PLACE 3 REGULAR MEMBER
- I. APPROVE ZBA RULES AND PROCEDURE AS AMENDED UNDER ARTICLE II "REGULAR MEETINGS" CHANGING THE REGULAR MONTHLY MEETING NIGHT
- J. APPROVE COLLECTION CONTRACT WITH TARRANT COUNTY TAX OFFICE FOR TAX YEAR 2014

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, E, F, G, H, I, and J. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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.

At this time, Mayor Earwood read a proclamation declaring Chris Hawkins officially retired from the Fire Department.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. STATEMENT OF APPOINTED OFFICER AND OATH OF OFFICE FOR CLINTON "RUSSELL" SHELLEY AS THE RIVER OAKS FIRE CHIEF

CS Gregory administered the Statement of Elected Official and the Oath of Office to incoming Fire Chief Clinton "Russell" Shelley.

No action was taken.

8. CONSIDER REQUEST FROM JANICE CARTER OF NEW HORIZONS SINGLES GROUP TO BE ALLOWED ALCOHOL IN THE COMMUNITY CENTER FOR A FORMAL DANCE

Mayor Earwood announced that this agenda item has been withdrawn.

No action was taken.

9. DISCUSSION AND/OR ACTION ON REPORT BY E.S. & C.M ENGINEERING AND RECOMMENDATION FROM THE S.W.T.F. ON STORM WATER IMPROVEMENTS IN THE 5400 BLOCK OF RIVER OAKS BLVD

Keith Hamilton, E.S. & C.M., Inc., relayed the recommendation of the engineering firm not to move forward with the proposed improvements in the 5400 block of River Oaks Boulevard due to the flat conditions in that area. Mr. Hamilton stated that the 1.5 foot fall over 700-800 feet may not be sufficient to produce the desired results. He added that the conceptual permit plans have been submitted to TXDOT but no response has been received. Mr. Hamilton stated that the improvements may help but ponding can still be expected to occur especially during a significant storm. CM Holland expressed concern that the businesses should be informed that the City, based from the engineer's recommendation, is not moving forward with the planned improvements.

No action was taken.

10. CONSIDER APPROVAL TO AMEND THE FEBRUARY 11, 2014 SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 1005 KEITH PUMPHREY

Photos were shown depicting exterior violations and substantial code violations of junk and debris.

Robert Sheffield, property owner, requested additional time to complete a "short sale". Mr. Sheffield stated that the purchasing investor is aware of the condition of the property and intends to demolish the structures. Mr. Sheffield requested 2-3 weeks to clean up the exterior of the property which includes placing some of the exterior debris inside of the structure since it will be demolished. CEO Jones stated that a short sale could take 30-days to 6-months. Jones reported that all utilities have been disconnected so there is no threat of fire or flood due to utilities. Mayor Earwood and Council Members expressed concern with Mr. Sheffield placing the junk and debris inside the structure, thereby transferring the infestation.

Gene Collins, resident and neighbor, stated that this property has been "a big mess for two years."

Kathy Rodden, 1005 Keith Pumphrey, cited concerns over high grass, rodent infestation, fleas and tick, and snakes. Ms. Rodden stated that the police department told her that the owner has been seen on the property. Ms. Rodden demanded to know what would happen at the end of the week and what the definition of a week is.

CA Elam stated that notice of intent to demolish should be sent to the record owner and the bank allowing at least 7-days to comply with the council order.

Mr. Sheffield apologized and stated his intention is to "make it right."

Staff was directed to send the 10-day notice of intent to demolish, have the city attorney review the file and follow the order to demolish.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

11. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON DANGEROUS BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1167 GREENBRIER DRIVE

At 7:43 p.m. Mayor Earwood opened the public hearing.

Photos were shown and substandard violations were cited by CEO Jones. Jones recommended that the floor coverings, drywall, and insulation be replaced and that the framework be sealed in order to abate the roach infestation. Jones reported the house to be structurally sound and feasible of repair.

The property owner and her daughter were present. The daughter stated that she is leaving the country and she requested time to consider the options. Bud Starnes, property manager, stated that he was unaware of the condition of the property since the tenant had continued to pay the rent. Mr. Starnes indicated that he would present the cost of repairs to the owners. It was agreed that the caution tape could be removed from the perimeter of the property.

Mayor Earwood announced that this public hearing would remain open and be continued on May 27, 2014.

12. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1167 GREENBRIER DRIVE 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:

13. CONSIDER APPROVAL OF ORDINANCE # 1024-2014 AMENDING THE 2013-2014 FY GENERAL FUND OPERATING BUDGET FOR THE EXPENDITURE OF COURT TECHNOLOGY FUNDS

PC Carter requested to purchase two new computers using court technology funds since the computers would be used for purpose of obtaining a positive ID to issue citations and confirming warrants issued from the municipal court. CA Elam affirmed that a link was sufficiently established between the use of the computers and the municipal court to pay for the computers from the court technology fund.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Ordinance #1024-2014 in the amount of \$7,300. All voted "Aye."

STAFF REPORTS:

14. STAFF REPORT ON THE SEPTEMBER 24, 2013 COUNCIL ORDER TO BRING PROPERTY INTO COMPLIANCE AT 916 GILHAM

CCO Jones reported consistent contact with the property representatives. Jones stated that the demo is planned to occur within a day or two.

No action was taken.

15. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

CCO Jones gave the following updates:

- 604 FRONTIER -- No change in the property. Staff has issued and completed a work order to abate the high grass.
- 933 Carondolet - The Council order to repair has expired and civil penalties have been assessed. The permits have expired without inspection and the substandard fee has not been paid. Karen Cosgrove, neighbor, stated that another neighbor has been mowing the grass. Ms. Cosgrove added that the owner has been visiting the house frequently although there is no electricity. It was mentioned that all three of the properties owned by this same person have two years of back taxes due and are subject to action by the taxing entities that would force the sale of the properties.
- 1005 KEITH PUMPHREY -- This property was discussed under agenda items 10 and 11.
- 603 OAKLAWN --- The order to demolish by owner has expired. The Lienholder has until May 2, 2014 to comply. Wells Fargo contacted staff and may voluntarily demolish or wait for the City to demolish and pay the costs. Wells Fargo has cleaned the exterior (photos were shown). Discussion occurred over whether or not the order to demolish should be carried out by the City or to allow the bank to demolish. Staff will receive direction from the Mayor to stay the demolition and bring back to the Council or to move forward with the order to demolish.
- 1603 NANCY LANE -- The order to demolish by owner has expired. The Lienholder has until May 2, 2014. Staff has had no contact with the owner or the lienholder. Staff will proceed with demolition after May 2.

No formal action was taken.

16. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 1223 ROBERTS CUT OFF RD. – The building permit expires June 6, 2014 with 30-day progress checks.
- 5516 N SCHILDER - Council did not place an order, will continue under building official order. There are active electrical and building permits that are valid until June 30, 2014 pending weekly progress checks. Owner is complying with progress checks and abatement of code violations.
- 5100 ALMENA – There is significant progress on the fire restoration.
- 5008 SHERWOOD – The Notice to repair expired 4/19/2014. Staff has received no contact. Staff has issued and completed a work order to abate high grass violations.

CM Holland mentioned painting the plywood on the structures boarded up by the City.

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

17. 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
PC Carter announced that an anonymous donor made a contribution to purchase 6 body cameras for the police department.

National Police Week, May 11 through May 17, 2014, was mentioned.

CM Crews relayed a comment from his neighbor that Officer Schoenthal offers personalized service by remembering everyone's name.

No action was taken.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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 or action.

22. **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**

CM Crews thanked PWD Hatley for repairing the road on Roberts Cut Off and inquired about a schedule to repair the remainder of the roads. PWD Hatley responded that a schedule is in place but coordination with the concrete truck has created delays.

No action was taken.

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

No discussion or action.

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

No discussion or action.

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

CS Gregory responded to an inquiry about sales tax, stating that sales tax in general is not as high as expected and he could not disclose the particulars of any certain business. It was noted that River Oaks Car Care has moved which could affect the sales tax. It was mentioned that the dentist office on Roberts Cut Off has changed ownership.

No action was taken.

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

No discussion or action.

27. **MARKETING ACTIVITIES REPORT FROM MUNDO AND ASSOCIATES INCLUDING BUSINESS RETENTION AND EXPANSION, MARKETING FOR NEW DEVELOPMENT, SHOP RIVER OAKS TEXAS, FACEBOOK AND TWITTER ACCOUNTS**

No discussion or action.

28. 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 or action.

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

No discussion or action.

PUBLIC FORUM:

30. 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**

CS Gregory stated that the City's S & P rating remains unchanged at a AA-.

Nancy Crews gave a reminder of the CCDAC Fundraiser on May 1, 2014.

Mayor Earwood gave reminder that River Oaks Cleanup Day is April 26, 2014.

Mayor Earwood stated that the airshow is this weekend and the Blue Angels are participating.

President Gordon handed out EDC promotional magnets.

EXECUTIVE SESSION:

31. 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 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.
- d. Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

33. ADJOURN

At 8:43 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor