

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 27, 2014**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
FIRE CHIEF RUSSELL SHELLEY
POLICE CHIEF AVIN CARTER
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
BUILDING INSPECTOR STEVE SANDERS
ATTORNEY BETSY ELAM

MEMBERS ABSENT:

COUNCIL MEMBER JOANN GORDON (MEDICAL)

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 27, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD James Hatley delivered the Invocation.

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

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

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

- NATIONAL EMS WEEK

Mayor Earwood read a proclamation declaring May 18 through May 24, 2014 as National EMS Week and concluded by commending Med-Star on their exceptional service to the citizens of River Oaks.

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 MAY 13, 2014 COUNCIL MEETING
- B. MINUTES OF SPECIAL CALLED MEETING MAY 17, 2014
- C. MINUTES OF SPECIAL CALLED MEETING MAY 19, 2014

- D. BILLS PAYABLE FOR PERIOD ENDING MAY 27, 2014 (FY 2014)
- E. APPROVAL OF CHAD AARON BAKER TO BECOME A RESERVE PEACE OFFICER FOR THE RIVER OAKS POLICE DEPT.
- F. CANCELLATION OF THIS YEAR'S ALL AMERICAN FESTIVAL SCHEDULED FOR SATURDAY, JUNE 28, 2014 INCLUDING ALL FESTIVITIES (Addendum to Agenda)

Mayor Earwood announced that item F would be removed from the consent agenda for separate deliberation. Council Member Holland requested that item D also be removed for further discussion.

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

- D. BILLS PAYABLE FOR PERIOD ENDING MAY 27, 2014 (FY 2014)

CM Holland questioned check number 033750 to A & A Construction in the amount of \$11,600 and check number 033817 to Wex Bank in the amount of \$12,633.29. CS Gregory stated that the check for \$11,600 was for council ordered substandard housing demolitions and the check for \$12,633.29 was regarding the QT fuel account for the city fleet.

CM Holland moved, seconded by CM Crews, to approve consent item D to pay the bills as presented. All voted "Aye".

- F. CANCELLATION OF THIS YEAR'S ALL AMERICAN FESTIVAL SCHEDULED FOR SATURDAY, JUNE 28, 2014 INCLUDING ALL FESTIVITIES (Addendum to Agenda)

Mayor Earwood opened the discussion by stating safety is our first concern with the fireworks show. The fireworks show has in years past been shot behind the Super Save Store, but now Extreme Pyrotechnics claims it is unsafe and needs to be moved to another site. They have indicated that they plan to move it up the school ball fields located on Camp Carter. However, the site change has never been approved by the Council. The Fire Chief and Police Chief do not recommend using that site due to public safety concerns.

Levite Clark of Extreme Pyrotechnics stated he has shot millions of dollars in fireworks over the years, but the Super Save location scares him. The only way he could see continuing to shoot them behind the store would be if the safety zone was strictly enforced by the Police and that the house next to the shoot area was vacated during the show. In years past the fireworks have included smaller shells, but the show has grown and this year with 5 to 6 inch shells, they would shoot up to 700 feet in the air, causing the safety area to have to be expanded. They would be willing to shoot the show with shells up to 2 ½ inches behind the store, but still the safety zone would have to be maintained where spectators were not permitted access.

CM Butler feels people want to see a spectacular show. **CM Holland** is ok with a smaller show.

FC Shelley recommends not moving to the alternate site at the school ball field for public safety due to increased fire dangers involving brush and grass fires that could get out of control in a real hurry without the means of the department to be able to safely extinguish.

CM Crews and Mr. Clark felt it would be a much safer area to shoot fireworks from than the one behind the store especially with shooting the larger shells.

CM Holland moved, seconded by CM Ashton to shoot the smaller show behind the store providing the safety zone was enforced and the house was vacated of any occupants during the show. CM Crews and CM Butler voted "Nay." Mayor Earwood voted "Aye" Motion Passed by a vote of 3 to 2 with the Mayor voting to break the tie.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. MEDSTAR UPDATE BY MATT ZAVADSKY, DIRECTOR OF PUBLIC AFFAIRS.

Matt Zavadsky presented to the council the 2014 updates that included service enhancements, mobile healthcare programs, response time reliability and clinical innovations. He gave a special thank you to both Fire Chief Shelley and Police Chief Carter for all their cooperation.

NO FURTHER ACTION WAS TAKEN.

8. DISCUSSION AND/OR ACTION REGARDING THE AGREEMENT APPROVAL TO PARTNER WITH TARRANT AREA FOOD BANK REGARDING THE SENIOR SHARE PROGRAM

CO DIRECTOR Shirley Wheat reported that the Senior Share Program is free in which the Tarrant Food Bank would deliver food on Thursdays to the Community Center for the underprivileged. The Council was of the opinion that the Community Center should work with CS Gregory in working out the details of the program and before committing to the Program, to have the City Attorney verify the legalities.

NO FURTHER ACTION WAS TAKEN.

9. CONSIDER APPROVAL OF EMERGENCY PIPEBURSTING OF SEWER LINE IN THE REAR OF PROPERTIES IN THE 700 BLOCK OF ISBELL ST.

PWD James Hatley reported that complaints had been filed to TCEQ about the sewer line located in the rear of the properties backing up into residences and the city wouldn't do anything. Hatley stated it had been investigated and he discovered no backups, but the main had backed up in the past and was placed on a maintenance prevention program. City Crews most recently videoed the main and could not get the camera through, which indicates the irregular shape of the pipe that could alter flow causing possible backups into residences and in his opinion could affect the health, safety and welfare of the public and therefore the line needs

to be replaced now rather than later. NO DETECT bid to pipeburst the 716-foot main at the cost of \$72,702.00.

CM Holland moved, seconded by CM Ashton, finds that due to the health, safety and welfare of the public it is deemed to be an emergency line replacement and move to approve the contract with NO-DETECT Construction to pipeburst 716-feet of sewer main in the rear of the properties in the 700 blocks of Springer and Isbell in the amount of \$72,702.00. All voted "Aye."

10. CONSIDER APPROVAL TO WAIVE 45-DAY REQUIREMENT PURSUANT TO SECTION SEC. 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" OF THE RIVER OAKS CODE REGARDING WATER ACCOUNT # 41-4129-00 AT 4906 WHITE OAK LANE.

CM Butler reported that Ernestine Conley passed away back in February, but the will has yet to be probated and the estate was not able to meet the 45-day requirement for the administrator of the estate to change the name on the account. It was requested that the council waive the 45-day time limit in this case allowing them time to have the will probated and the house sold.

CM Holland moved, seconded by CM Crews, to waive the 45-day requirement on the water account at 4906 White Oak and further directed the City Secretary to bring back to Council a revised Ordinance amending the 45-day requirement for utility customers who become deceased. All voted "Aye."

11. CONSIDER APPROVAL OF **RESOLUTION # 799-2014** REGARDING CITY PARTICIPATION IN TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT CONSORTIUM FOR THE THREE PROGRAM YEAR PERIOD, FY2015 THROUGH FY2017.

CM Crews moved, seconded by CM Butler, to approve Resolution # 799-2014 regarding the City's participation in Tarrant County CDBG Program for the 3-year program period. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING CONTINUED FROM APRIL 22ND MEETING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON DANGEROUS BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1167 GREENBRIER DRIVE.**

Public Hearing was opened by Mayor Herman Earwood at 8:35 A.M. Barbara Wooten Meece testified on behalf of her mother, Mary H. West, testified that they have removed approximately 99% of the personal items the former tenant left and have cleared the yard, storage shed and house at a cost of \$2,000. They have received two bids to bring the house up to code as follows:

- 1) Richard Taylor-----\$21,000.00
- 2) Jose Amora-----\$ 18,000.00

Ms. Meece further testified she has made contact with Allen Environmental about ridding the house of cockroach feces and sputum and an indoor quality consultant about insect particle testing. She requested permission to restore utilities so they can work on the property. The plan presented to the council was to abate the substandard violations, paint exterior, make necessary repairs to the wood work, tear down storage shed and restore the integrity of the original property line. **With no other public input, the Public Hearing was closed at 8:35 P.M.**

13. **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.

CM Holland moved, seconded by CM Butler that the City Council find that the building located at **1167 Greenbrier Dr.** based on evidence presented at this hearing, is **Substandard** and:

1. That the conditions set forth in the Building Official's report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and
2. That the **building(s) is/ are feasible of repair** and therefore ORDER the Building to be repaired BY THE OWNER within 89 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and
3. THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and
4. ORDER that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 89 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building may be demolished; and
5. Order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full; and
6. Temporary Water Service be extended for a period up to 89-days.

All voted "Aye."

STAFF REPORTS:

14. **STAFF REPORT ON SUBSTANDARD PROPERTIES:**

- 604 FRONTIER: No progress. Still under Council Orders with civil penalties.
- 933 CARONDOLET: No progress. Family member wants to buy house. Neighbors have expressed concern. The structure is feasible of repair, but the code violations are still not fully abated. Council directed Staff to bring the Order back to Council on June 10th for consideration to amend.
- 1223 ROBERTS CUT OFF: They are making good progress. The Building Official's Order will be extended another 30-days in order for it to be completed.
- 5516 N. SCHILDER: Weekly inspections on-going, the travel trailer has been removed.
- 5100 ALMENA RD.: Making progress, the building has been dried in.
- 5008 SHERWOOD: No progress, Building Official will commence with proceedings for council action in June.
- 1167 GREENBRIER: 89-day order issued earlier tonight.
- 1709 LONG AVE.: Building Official will commence with proceedings before council in June.
- 817 WALTER DR.: No progress. Have made contact with Lienholder.
- 1005 KEITH PUMPHREY: House was demolished on May 9th.
- 603 OAKLAWN: House was demolished on May 7th.
- 1603 NANCY LANE: House was demolished on May 6th.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

Chief Carter reported they have added a new reserve officer, Chad Baker. He also reported on recent developments regarding drug seizures.

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

Chief Shelley reported that he has changed their reporting form that he felt would be more in the line as to what the Council would need. Fire Department is making great strides and they have had 4 new recruits recently added.

Mayor asked as to how many are now staying the night on duty and Chief reported that when he came in this morning, there were 3 at 7:45. They are planning on using the community center for Monday Night Training.

Chief Shelley reminded everybody of the benefit for Steve Sanders coming up this Sunday from 11 A.M. until 5:00 P.M. at Cooper's Barbecue.

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

None.

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

None.

19. 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.

None.

20. 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.

None.

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

None.

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

None.

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

None.

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

None.

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

None.

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

None.

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

None.

PUBLIC FORUM:

28. 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.**

Mayor Earwood announced the City has applied for the Clean City Award and will soon be starting a youth council.

CM Butler reported that she went by today and checked on CM Gordon and reports she is doing great since her surgery.

CM Holland reported that sales tax revenue was up last month.

Mayor Earwood announced that Dollar Tree is scheduled to open next Friday.

EXECUTIVE SESSION:

29. 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:

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

31. ADJOURN

At 9:46 p.m. CM Ashton moved, seconded by CM Holland, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor