

**MINUTES OF THE SPECIAL CALLED MEETING
RIVER OAKS CITY COUNCIL
MAY 17, 2016**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
DEPUTY POLICE CHIEF CHRIS SPIELDENNER
BUILDING INSPECTOR STEVE SANDERS
CODE ENFORCEMENT OFFICER JUSTIN WOODALL
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
RECORDING SECRETARY SUSAN STEWART

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Special Called Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, May 17, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

4. CONSIDER APPROVAL OF RESOLUTION **NO. 857-2016** CANVASSING ELECTION RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 7, 2016 FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS PLACES 1 AND 3

CS Gregory read the official election results and announced JoAnn Butler for Place 1 and Bruce Scott for Place 3.

CM Gordon moved, seconded by CM Ashton, to approve Resolution #857-2016. All voted "Aye."

4. CONSIDERANDO LA APROBACION DE LA RESOLUCION **NO.857-2016** SONDEANDO LAS DEVOLUCIONES DE LA ELECCION Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL QUE SE LLEVO A CABO EL 7 DE MAYO DEL 2016 PARA EL PROPOSITO DE ELEGIR LOS LUGARES 1 Y 3 PARA CONSEJALES DE LA CIUDAD.

CS Gregory leyó los resultados oficiales de las elecciones y anunció JoAnn Butler Lugar 1 y Bruce Scott para el Lugar 3.

CM Gordon se movió, secundado por CM Ashton, para aprobar Resolución # 857-2016. Todos votaron "Sí".

5. STATEMENT OF ELECTED/APPOINTED OFFICIALS, "OATH OF OFFICE" AND CERTIFICATE OF ELECTION FOR CITY COUNCIL MEMBERS PLACES 1 AND 3

CS Gregory administered the Statement of Elected Official and the Oath of Office to JoAnn Butler, Place 1 and Bruce Scott, Place 3.

No action was taken.

5. DECLARACION DE LOS OFICIALES ELEGIDOS/DESIGNADOS, "JURAMENTO DE OFICIO" Y CERTIFICACION DE LOS CONSEJALES DE LA CIUDAD LUGARES 1 Y 3

CS Gregory administro el Juramento para el Cargo Oficial a los Elegidos JoAnn Butler, Lugar 1 y Bruce Scott, Lugar 3

No se tomó acción.

6. CONSIDER ELECTION OF A MAYOR PRO-TEMPORE FOR THE 2016-2017 TERM YEAR

No discussion occurred.

Mayor Pro Tem Holland moved, seconded by CM Gordon to elect Joe Ashton as Mayor Pro Tem for the 2016-2017 term. All voted "Aye."

6. CONSIDERANDO LA ELECCION DE EL SUPLENTE DE EL ALCALDE PARA EL PERIODO DE LOS AÑOS 2016-2017

No hubo discusión.

Suplente de Alcalde Holland movió, secundado por CM Gordon para elegir a Joe Ashton como Suplente de Alcalde para el plazo 2016-2017. Todos votaron "Sí".

7. CONSIDER APPROVAL OF COLLECTION CONTRACT WITH TARRANT COUNTY TAX OFFICE

CS Gregory presented the standard contract with Tarrant County for tax collection.

CM Holland moved, seconded by Mayor Pro Tem Ashton, to approve the contract with Tarrant County. All voted "Aye."

8. CONSIDER APPROVAL TO AMEND THE FEBRUARY 23, 2016 ORDER OF THE BUILDING BOARD OF APPEALS ON SUBSTANDARD PROPERTY AT **4829 KESSLER RD.**

Building Inspector Sanders reported limited contact with any interested persons and recommended the order to demolish be carried out. BI Sanders stated that current pictures are on file. Secretary Stewart reported sending an email to the attorney who previously represented the owners at a Council Meeting to notify the owners of the need to be present at this meeting. Sanders reported that contractors were ordered to stop work for failure to permit foundation repair. BI Sanders reported that no work has been done and there are no active permits.

The Board found, based on testimony of BI Sanders the following facts: (A) That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and (B) The building is infeasible of repair; and (C) There is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given.

Staff was directed to send a letter of intent to demolish according to the established procedure.

No action was taken.

9. DISCUSSION AND/OR ACTION REGARDING THE JULY 28, 2015 ORDER OF THE BUILDING BOARD OF APPEALS TO BRING THE SUBSTANDARD PROPERTY AT **5312 TAYLOR RD.** INTO FULL COMPLIANCE WITHIN 89-DAYS

Building Inspector Sanders reported no contact and no heirs to the property. It is suspected this property will be sold for delinquent taxes in 4-5 months.

The Board found, based on testimony of BI Sanders the following facts: (A) That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and (B) The building is infeasible of repair; and (C) There is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given.

Mayor Pro Tem Ashton requested current pictures for future cases.

Roy Reaves, owner of a neighboring property, supported the demolition due to possible hazardous conditions inside the structure.

Staff was directed to send a letter of intent to demolish according to the established procedure.

No action was taken.

10. CONSIDER APPROVAL TO CONTRACT WITH NO-DIG TECH LLC FOR THE EMERGENCY PIPE BURSTING OF THE COLLAPSED SEWER LINE IN THE STREET IN THE 5400 BLOCK OF THOMAS LANE TO ITS INTERSECTION WITH SCHIEME ST.

CS Gregory reported a collapsed sewer main which required immediate repair in the amount of \$52,620.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve the contract with No-Dig Tech LLC for the emergency pipe bursting of the collapsed sewer line in the street in the 5400 block of Thomas lane to its intersection with Schieme Street. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON CONSIDERING OPTIONS FROM AMERICAN TOWER CORPORATION WITH RESPECT TO THE EXPIRING LEASE ON 12-25-2021 ON THE WIRELESS TOWER LOCATED AT 4900 RIVER OAKS BLVD.

CS Gregory presented an offer to extend the Verizon Wireless lease. CS Gregory suggested denying the request. CM Holland recommended hiring a professional consultant for advice on the tower lease.

Mayor Pro Tem Ashton moved, seconded by CM Butler, to deny the proposal to extend the Verizon Wireless agreement. All voted "Aye"

12. DISCUSSION AND/OR ACTION ON CODE ENFORCEMENT AS REQUESTED BY SHIRLEY WHEAT AND SHIRLEY BLOOMFIELD

Citizen Shirley Wheat inquired about a comment she heard on the audio recording of the last City Council Meeting relating her concerns about the lack of code enforcement to the Community Center's reports not being turned in on time. CM Holland explained his comment which was directed at the Mayor about how the report is often not in the packet but they are critical of code. Ms. Wheat explained the job functions of each of the directors and added that this concern is a citizen concern which is unrelated to her job function. CM Holland mentioned that Ms. Wheat and Ms. Bloomfield were not in attendance to hear the follow up report addressing the concerns they presented at the previous Council Meeting.

Mayor Earwood reported that two new code officers have been hired and the department is reorganizing the program in which he will be involved.

No action was taken.

STAFF REPORTS:

13. UPDATE ON ACTIONS TAKEN ON THE SUBSTANDARD PROPERTY AT 901 CHURCHILL RD.

CS Gregory sought clarification on the direction requested by the Council at a previous meeting. Staff was directed to proceed expeditiously to bring this property to a public hearing. Brief discussion occurred related to the vehicles on property which COE Woodall and BI Sanders reported are operable.

No action was taken.

PUBLIC FORUM:

14. 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 All American Celebration on June 18, 2016.

CM Scott thanked Shirley Wheat and Shirley Bloomfield for "going the extra mile" for the Scoggins family event.

CM Gordon congratulated CM Butler, CM Scott and Mayor Pro Tem Ashton on their elected positions.

None.

EXECUTIVE SESSION:

15. 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 complaint or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

None called for.

RECONVENE:

16. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

17. ADJOURN

At 7:53 p.m. CM Holland moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor