

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 25, 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
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE COMPLIANCE OFFICER JOHN PAUL JONES
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, March 25, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

CM Holland led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

None.

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 MARCH 11, 2014 COUNCIL MEETING
- B. MINUTES OF THE MARCH 18, 2014 COMMUNITY FORUM
- C. BILLS PAYABLE FOR PERIOD ENDING MARCH 25, 2014 (FY 2014)

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY STEPHEN WESTBROOK AT 1211 HARVARD PURSUANT TO SECTION 21.C3ai OF THE ZONING ORDINANCE IN ORDER TO LOCATE A 6-FOOT ORNAMENTAL FENCE IN FRONT OF THE BUILDING LINE IN A RESIDENTIAL ZONING DISTRICT.

Steve Westbrook, property owner, requested to install a wrought iron fence in front of the house, 45 feet from the street in an L-shape toward the side of the property.

CM Crews moved, seconded by CM Ashton, to approve the fence. All voted "Aye."

8. CONSIDER APPROVAL TO RE-NAME THE RIVER OAKS COMMUNITY CENTER IN ORDER TO ENCOURAGE AND PROMOTE MORE PARTICIPATION FOR DIVERSE FORMS OF USE OF THE FACILITY.

Shirley Wheat and Shirley Bloomfield suggested changing the name of the Community Center to The River Oaks Event Center in order to add appeal and diversity.

CM Butler moved, seconded by CM Crews, not to change the name and leave the name River Oaks Community Center. CM Butler, CM Holland, and CM Crews voted "Aye." CM Ashton and Mayor Pro Tem Gordon voted "Nay."

9. CONSIDER APPROVAL TO HOLD A BLOOD DRIVE WITH CARTER BLOOD BANK IN THE CITY HALL PARKING LOT.

CS Gregory presented the option to hold a blood drive at City Hall on Monday, June 23, 2014 from 8:00 a.m. until 12:00 noon in the parking lot in front of the library.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve a blood drive with Carter Blood Bank at City Hall. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

10. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5516 NORTH SCHILDER.**

At 7:32 p.m. Mayor Earwood opened the public hearing.

A representative for the property was not present.

CCO Jones showed photos and cited structural, electrical, plumbing, and mechanical violations. Jones reported work being done without proper permitting. Jones explained that the property had been under remodel since December 2011 and remains unfinished. Jones pointed out

multiple code violations including storage, junk and debris and junked vehicles. CA Elam suggested issuing citations for the code violations by certified mail.

At 7:57 p.m. Mayor Earwood closed the public hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5516 NORTH SCHILDER 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.

OTHER ITEMS REQUIRING COUNCIL ACTION:

12. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER AT 933 CARONDOLET AS PREVIOUSLY AMENDED ON JANUARY 14, 2014 FOR 60-DAYS.

A representative for the property was not present.

CCO Jones reported that the substandard fee has not been paid. Jones added that no inspections have been performed on the electrical permit. CA Elam suggested an administrative hearing to assess civil penalties.

No action was taken.

13. DISCUSSION AND/OR ACTION ON THE MARCH 26, 2013 SUBSTANDARD BUILDING ORDER AT 604 FRONTIER STREET INCLUDING CIVIL PENALTIES AS WAS ASSESSED ON AUGUST 27, 2013 AGAINST THE PROPERTY OWNER AT 604 FRONTIER STREET FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES (2006).

It was noted that Staff had received a document from the bank stating that they are not the owner and therefore do not have the authority to abate the violations. CCO Jones showed photos that were taken when an administrative warrant was served. Jones cited electrical and plumbing violations that remain. CA Elam suggested increasing the administrative penalties.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to increase the civil penalties on 604 Frontier from \$10 per day to \$250 per day effective March 26, 2014. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF [RESOLUTION # 793-2014](#) AMENDING RESOLUTION 779-2013 THAT ADOPTED SOLID WASTE COLLECTION RATES FOR COMMERCIAL DUMPSTERS BY INCORPORATING CHARGES FOR LOCKS AND CASTERS.

CS Gregory explained that the proposed resolution adds the cost of casters and locks to the current rate schedule.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution #793-2014. All voted "Aye."

15. CONSIDER APPROVAL OF **ORDINANCE # 1022-2014** ENACTING REASONABLE REGULATIONS CONCERNING THE TIME, PLACE AND METHOD OF ELECTIONEERING OUTSIDE THE 100-FOOT DISTANCE MARKERS OF PUBLIC POLLING PLACES.

CS Gregory stated that the proposed ordinance would create a "reasonable regulation" designating the place, time and manner of electioneering. CA Elam added that the ordinance allows for parking in certain areas but those areas are not reserved for electioneering. Concerns were mentioned related to signs on city hall buildings and the possibility of damage to the sprinkler heads in the grassy area.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Ordinance #1022-2014 with the additions of a liability clause for damage to City property and a prohibition on affixing signs to City walls. All voted "Aye."

STAFF REPORTS:

16. 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 once Atmos removes the gas meter.

[At 8:28 p.m. CM Ashton left the dais.]

No action was taken.

17. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

CCO Jones gave the following updates:

- 809 GUSTAV – Full compliance has been obtained.
- 1005 KEITH PUMPHREY – Council order to the owner has expired, with the order for the lienholder expiring April 11, 2014. The Code Department is working the junked vehicle in the driveway.

[At 8:31 p.m. CM Ashton returned to the dais.]

- 603 OAKLAWN – Staff has had no contact since the issuance of the demolition order.

- 1603 NANCY LANE - Staff has had no contact from the owner or the bank since the issuance of the demolition order.

Staff was ordered to obtain bids for demolition and send the proper notices for 603 Oaklawn and 1603 Nancy.

No formal action was taken.

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

- 1223 ROBERTS CUT OFF RD. – Is a vacant commercial property. The building permit expires March 29, 2014 but may be extended 30-days at a time up to the expiration of the order on June 6, 2014 with progress checks.
- 1029 YALE ST. – The main structure has been demolished and the two accessory structures are to be removed very soon.
- 5100 ALMENA – Staff has requested some changes to the restoration plans for this burnout. A permit for a partial demo has been issued.
- 5008 SHERWOOD – Note to repair expires April 19, 2014. NO contact has been received.

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

19. 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 reported that Quik Trip was recently robbed. The alarm call went to the City of Fort Worth. River Oaks Police apprehended the suspect on Almena. Staff verified contacting Quik Trip to resolve the alarm call issue.

PC Carter announced the Police Department Banquet to be held on April 4, 2014 at 6:30 p.m.

PC Carter noted that the warrant report included in this meeting packet was for only 6 days.

No action was taken.

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

FC Hawkins announced his effective retirement date of April 22, 2014.

FC Hawkins stated that a new company has been chosen to service and maintain the air packs which may cost more than the budget since several of them must be serviced or rebuilt.

No action was taken.

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

No discussion or action.

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

No discussion or action.

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 or action.

24. 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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

8. 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.

30. 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.

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

James Myrick, EMC Coordinator, gave a reminder that storm season is approaching.

Mayor Earwood stated that Dallas has begun a new West Nile Virus program, spraying the positive areas within 6 hours.

No action was taken.

PUBLIC FORUM:

32. 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

Sherrie Dast asked how many times Quik Trip has been robbed and if both suspects were caught on Almena. PC Carter stated that of the two robberies, one suspect was apprehended on Almena.

EXECUTIVE SESSION:

33. 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:
Multiple City Merger for Fire Service
- 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. **Leave compensation for City Secretary Marvin Gregory.**
- d. Section 551.076 Deliberation regarding security devices

At 8:51 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.

RECONVENE:

At 9:27 p.m. Mayor Earwood reconvened into regular session.

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

CM Ashton moved, seconded by CM Butler, to approve the request for leave compensation for City Secretary Marvin Gregory as requested. All voted "Aye."

ADJOURN:

34. ADJOURN

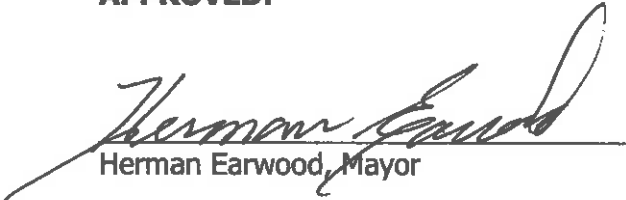
At 9:28 p.m. CM Ashton moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

ATTEST:



Marvin Gregory, City Secretary

APPROVED:



Herman Earwood, Mayor