

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 8, 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
FIRE CHIEF CHRIS HAWKINS
POLICE CHIEF AVIN CARTER
CODE COMPLIANCE OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT (AT 7:41 P.M.)
SECRETARY SUSAN STEWART
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 8, 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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

[At 7:01 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.]

[At 7:15 p.m. Mayor Earwood reconvened into regular session.]

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

Mayor Earwood read a proclamation declaring May 4 through May 10, 2014 as Municipal Clerks 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. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

A. MINUTES OF MARCH 25, 2014 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING APRIL 11, 2014 (FY 2014)

C. RETIREMENT NOTICE OF CHRIS HAWKINS AS THE RIVER OAKS FIRE CHIEF EFFECTIVE ON APRIL 2, 2014

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, and C 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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 TO INSTALL CEMENT FIBER BOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5308 BAYLOR AVE. AS REQUESTED BY ANGEL CABRERA

Angel Cabrera, 5308 Baylor, requested to install cement fiber board in a horizontal fashion on the accessory building on this property.

CM Holland moved, seconded by CM Crews, to approve the request to install cement fiber board horizontally as presented. All voted "Aye."

8. CONSIDER APPROVAL TO ALLOW CEMENT FIBER BOARD SIDING ON A REAR STORAGE BUILDING IN A COMMERCIAL ZONING DISTRICT AT 4837 GREEN OAKS (RIVER OAKS CAFÉ) AS REQUESTED BY DARREN HOUK

Darren Houk, Roofing Solutions, requested to relocate an existing accessory building to 4837 River Oaks Boulevard and paint the exterior of the accessory building. As an alternative, Mr. Houk offered to install hardiboard or similar material on the accessory building.

CM Ashton moved, seconded by CM Butler, to allow the existing siding to be painted and directed staff to proceed with amending the Zoning Ordinance. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON REQUEST BY DARREN HOUK REGARDING PERMITTING AND CONTRACTOR REGISTRATION REQUIREMENTS FOR RESIDENTIAL ROOFING

Darren Houk, Roofing Solutions, expressed concern over the City's roofing permit system that he feels punishes honest contractors and homeowners. Mr. Houk suggested a registration process similar to what other cities require and a permit fee only if decking is replaced. Mayor Earwood directed staff to work with Mr. Houk and present the information to the City Council.

No action was taken.

10. CONSIDER APPROVAL TO AMEND THE SEPTEMBER 24, 2013 COUNCIL ORDER TO BRING PROPERTY INTO COMPLIANCE AT 916 GILHAM

CCO Jones reported constant contact with the owner's representative, stating that Atmos has removed the correct meter and the demolition is scheduled for around April 9, 2014.

No action was taken.

11. CONSIDER APPROVAL OF REQUEST BY COUNCILMAN JOE ASHTON FOR VOTE OF COUNCIL FOR STAFF TO UPDATE CODE OF ORDINANCES MORE REGULARLY THAN TWICE ANNUALLY

CM Ashton expressed concern that the code of ordinances online is about six months behind the actual adoption of the ordinances. CM Ashton suggested updating the ordinances more frequently. CS Gregory stated that Franklin Legal Publishing can update the web monthly and the paper books quarterly.

CM Ashton moved, seconded by Mayor Pro Tem Gordon, to update the code of ordinances as needed. All voted "Aye."

12. CONSIDER APPROVAL OF RECOMMENDATION BY THE CITY'S PUBLIC WORKS DIRECTOR TO AMEND THE CITY'S WATER MANAGEMENT PLAN

PWD Hatley presented the option to make the Water Watch Management Stage mandatory. Hatley indicated that the City of Fort Worth will vote this evening on the same measure. Council Members collectively agreed to monitor the situation and act at a later date if necessary.

No action was taken.

13. CONSIDER APPROVAL TO UPGRADE THE CITY AND LIBRARY COMPUTER TOWER SERVERS AND UPGRADE TO WINDOWS 2012 CLIENT ACCESS LICENSES

CS Gregory relayed the original plan to update the servers next year but since certain Incode upgrades are unavailable with the existing server he felt it necessary to present the request now rather than next year. CS Gregory added that the library server is frequently down and needs to be replaced. Mayor Earwood mentioned the possibility for court technology funds to pay a portion of the City Hall server due the inadequacy being related to court. Staff will obtain and present pricing and budgeting options to Council later.

No action was taken.

14. CONSIDER APPROVAL TO SUPPORT THE MAYOR'S APPOINTMENT OF RUSSELL SHELLEY AS THE RIVER OAKS FIRE CHIEF

Mayor Earwood recommended Russell Shelley for the position of Fire Chief due to the retirement of Fire Chris Hawkins.

Mayor Pro Tem Gordon moved, seconded by CM Holland, to support the Mayor's appointment of Russell Shelley as the River Oaks Fire Chief. All voted "Aye."

FC Hawkins introduced Russell Shelley.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. ADMINISTRATIVE HEARING: PURSUANT TO SECTION 3.07.013013 OF THE RIVER OAKS CODE OF ORDINANCES IN ORDER TO ASSESS A CIVIL PENALTY AGAINST THE PROPERTY OWNER AT 933 CARONDOLET CT. 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).

At 8:24 p.m. Mayor Earwood opened the public hearing.

CCO Jones reported no contact from the owner and no recent inspections or visible work has been performed recently. Jones stated that an electrical permit had been obtained with no inspections scheduled. Jones added that the substandard fee has not been paid. Jones verified that the original order was mailed certified to the owner and filed with the County Clerk.

At 8:27 p.m. Mayor Earwood closed the public hearing.

16. ACTION FROM ADMINISTRATIVE HEARING: CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT 933 CARONDOLET CT. FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SECTION 3.07.007 OF THE RIVER OAKS CODE.

Mayor Pro Tem Gordon made the following motion, I move that the Board find that the Building(s) located at 933 Carondolet Ct. based on evidence presented at the Administrative Hearing of April 8, 2014, is in violation of the Substandard Building Order issued on August 27, 2013 as extended on January 14, 2014 that allowed James D. McKinney Estate % Jeff McKinney as the record owners until March 14, 2014 to abate all Substandard Conditions and further find that: 1) the record property owners, James D. McKinney Estate % Jeff McKinney have not provided proof that the property at 933 Carondolet Ct. in River Oaks, Tarrant County, Texas is the owner's lawful homestead; and 2) the property owner was notified of the contents of the order issued pursuant to Section 3.07.007 of the River Oaks Code of Ordinances (2006) as amended; and 3) the property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order for a period of 25 days after the deadline date of March 14, 2014 ; and THEREFORE MOVE TO ORDER: 1) that civil penalties be assessed in accordance to Section 3.07.013 of the River Oaks Code of Ordinances (2006) as amended against the record owner, James D. McKinney Estate pursuant to the August 27, 2013 Substandard Building Order as amended in the amount of \$25.00 (Twenty-Five Dollars) per day beginning on April 9, 2014 and continuing each day in the amount of \$25.00 (Twenty-Five dollars) per day that the property remains in violation and civil penalties shall continue until all the actions under the Substandard Building Order is released or in the event the property is sold; and 2) after the civil penalty is assessed, the city secretary shall file with the district clerk of the county in which the property is located a certified copy of the order assessing the civil penalty

stating the amount and duration of the penalty; and 3) the civil penalty may be enforced by the city in a suit brought by the city in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this subsection is final and binding and constitutes prima facie evidence of the penalty in any suit. Motion seconded by CM Holland. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF RESOLUTION # 794-2014 IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR INCREASED STATE FUNDING FOR TRANSPORTATION

CA Elam stated the opinion of her law firm was to pass on the adoption of the resolution at this time due to a possible violation of the ethics code.

No action was taken.

18. CONSIDER APPROVAL OF ORDINANCE # 1023-2014 AMENDING THE 2013-2014 FY GENERAL FUND OPERATING BUDGET FOR THE EXPENDITURE OF COURT TECHNOLOGY FUNDS

CS Gregory requested to replace a laptop, cash register, laser printer, and shredder for the court department from court technology funds.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Ordinance #1023-2014 amending the 2013-2014 FY General Fund Operating Budget for the expenditure of court technology funds in the amount of \$2,068. All voted "Aye."

STAFF REPORTS:

19. STAFF REPORT ON ACTIONS TAKEN ON THE SUBSTANDARD PROPERTY AT 5516 N. SCHILDER

CCO Jones reported that citations were issued to the owner as directed by the City Council. The owner has since presented a new plan of action and obtained an electrical permit and building permit with weekly inspections required.

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 DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. **NO COUNCIL DELIBERATION IS PERMITTED.**

Mayor Earwood asked CCO Jones to update the council on an emergency health hazard that required immediate action. Jones reported on a possible health hazard existing in a residential structure that was initiated when a customer paid their water bill using change that was infested with roaches. Upon inspection, Jones found an immediate danger to the public due to an infestation of roaches, putrid living conditions, and mounds of cat feces in the structure. Council Support was indicated to staff to take the necessary steps to secure and isolate the conditions immediately and to bring it back to the City Council at the next regular meeting for action.

Darren Houk asked if commercial property owners have a vote to which Mayor Earwood replied that only residents may vote.

PC Carter encouraged support for National Police Week that is May 11 through May 17, 2014 by wearing a blue ribbon that week.

CM Holland mentioned front yard parking violations, but more specifically about driveways that are not being properly maintained and it makes the appearance that they are parking in the yard rather than on a driveway.

CM Holland stated that his daughter is volunteering at the Library.

CM Ashton thanked the Police Department for a successful banquet.

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: **Multiple City Merger for Fire Service.**
- 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. **Appointment of Fire Chief**
- Section 551.076 Deliberation regarding security devices

*Mayor Earwood convened into executive session after agenda item #3.

RECONVENE:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

*Refer to agenda item #14 for action taken.

ADJOURN:

23. ADJOURN

At 8:52 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton, to adjourn the meeting.

Nancy Crews gave a reminder of the "Crud Mobile" on April 19, 2014 and Clean Up Day on April 26, 2014.

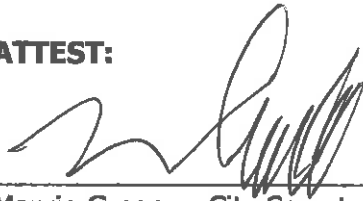
CS Gregory mentioned the annual car show at the Community Center on April 12, 2014 from 11-3.

Shirley Wheat mentioned a candidate forum on April 15, 2014 at 7:00 p.m. at John Knox Church.

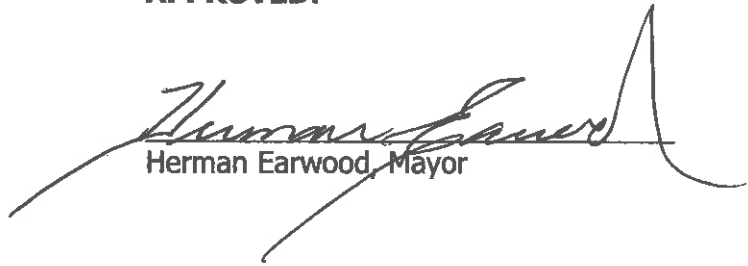
All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor