

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 26, 2015**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

MEMBERS ABSENT:

MAYOR PRO TEM STEVE HOLLAND (OUT OF TOWN)

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:01 p.m. on Tuesday, May 26, 2015 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 7:03 p.m. Mayor Earwood convened into executive session under sections 551.071, 551.072, 551.074 and 551.076]

[At 7:42 p.m. Mayor Earwood reconvened into regular session.]

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS

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. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

- A. MINUTES OF MAY 12, 2015 COUNCIL MEETING
- B. MINUTES FROM THE MAY 19, 2015 SPECIAL CALLED MEETING
- C. RATIFY BILLS PAYABLE FOR PERIOD ENDING MAY 26, 2015 (FY 2015)
- D. APPROVE EMPLOYMENT CONTRACT WITH JOHN PAUL JONES

CM Scott pointed out an error on consent agenda item A, the minutes from May 12, 2015 under agenda item #8 which states that CM Scott made the motion and seconded the motion. CM Ashton confirmed that he seconded the motion.

CM Gordon moved, seconded by CM Ashton, to approve the consent agenda items A, B, C, and D with the noted change. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON THE PROPERTY AT **1121 CAMBRIDGE STREET** UNDER ORDERS BY THE CITY COUNCIL TO OBTAIN A CERTIFICATE OF OCCUPANCY PERMIT AND TRANSFER THE WATER SERVICE INTO THE NAME OF PAMELA R. WILSON BY MAY 25, 2015

Pamela Wilson, 1121 Cambridge, stated that she has paid the deposit for water services and the residential inspection. Ms. Wilson described foundation issues with one of the rooms in her home. Ms. Wilson requested an extension to complete the repairs due to this setback and due to the amount of rain received recently.

Sanders reported that the remainder of the structure is livable. Sanders supported an extension of 30-days to complete the repairs and to have the initial inspection with an additional 30-days for a follow-up inspection if necessary.

CM Butler moved, seconded by CM Scott, to give Pamela Wilson at 1121 Cambridge 30-days to finish the foundation work and get the Certificate of Occupancy inspection and at the end of 30-days if the work is not complete due to rain, an additional 30-days.

Inspector Sanders requested that Ms. Wilson call to schedule the inspections.

All voted "Aye."

8. DISCUSSION AND/OR ACTION ON CITIZEN COMPLAINT BY NOEL R. VILLALOBOS AT **1201 BANKS STREET** REGARDING CITY'S WATER DISCONNECTION POLICY

A representative was not present.

No discussion and action was taken.

9. CONSIDER APPROVAL OF REQUEST BY GIUDARDO RIVERA APPEALING THE DECISION OF THE BUILDING OFFICIAL THAT ANY FENCE BUILT ON A CORNER LOT MUST COMPLY WITH THE MINIMUM 15-FOOT SETBACK REQUIREMENT FOR A CORNER LOT

A representative was not present.

BI Sanders stated that the translator for Mr. Rivera was unable to attend and he has requested this item be postponed until the next regular meeting.

BI Sanders stated that the poles have been set at the 10-foot mark upon the advice of staff. Sanders relayed that the owner has mentioned a neighbor who also has a fence set at 10-feet. Discussion occurred as to whether this is a City Council (Board of Appeals) decision or a ZBA variance considering the fact that staff told him 10-feet.

No action was taken.

10. CONSIDER APPROVAL TO AWARD BID TO RELIABLE PAVING FOR INSPIRATION LANE PAVING AND DRAINAGE IMPROVEMENTS (PROJECT 15-0512) AS COMPETITIVELY BID ON MAY 12, 2015

Mayor Earwood stated that CM Gordon has filed a conflict of interest form with the City Secretary and will abstain from discussion and voting on this agenda item. CM Gordon left the dais.

Mickey Thomas stated that Reliable Paving is the low bidder out of three bids to repair the road on Inspiration Lane at \$81,300 for the base bid and \$95,538 for the alternate bid for a total of \$176,838.

CS Gregory requested the City Council reject the bids and re-bid the project due to a recent meeting with Tarrant County for assistance with the road repairs and after speaking with Reliable Paving about removing certain items which changes the scope of work. CS Gregory suggested building a head wall along the entire street with the storm water funds and working with Tarrant County on the paving.

CM Ashton moved, seconded by CM Scott, to reject the bid and rebid the project with an accurate scope of work. All voted "Aye."

CM Gordon returned to the dais.

11. CONSIDER APPROVAL TO AWARD BID FOR THE BYRD WATER LINE PROJECT (PROJECT 023-025) AS COMPETITIVELY BID ON MAY 15, 2015

Trevor Truss, representing Hamilton & Duffy, presented the bid results for 830 feet of water line on Byrd Drive to include new water connections. Six bids were received with Tejas Construction being the low bidder at \$119,647.

CM Scott moved, seconded by CM Gordon, to award the bid project to Tejas Construction for \$119,647 for the Byrd Drive water line replacement. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON ON-GOING DELINQUENT TAX LITIGATIONS AS PRESENTED BY CHARLES BRADY OF PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.

Charles Brady delivered the delinquent tax report, stating that as of May 20, 2015, there were 513 outstanding accounts totaling \$114,334.66 in delinquent taxes owed to the City.

Mr. Brady reported on 604 Frontier, stating that the case has been assigned to a judge who is requesting citations be issued on three separate occasions instead of citation by posting. A new motion has been filed notifying the judge that every address possible has been served to no avail. Mr. Brady stated the intention is to be able to issue the citation by posting, appoint an ad litem attorney and sell the property.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **4900 ALMENA RD.**

This public hearing was continued from May 12, 2015.

A representative was not present.

At 8:13 p.m. Mayor Earwood closed the public hearing.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4900 ALMENA RD.** 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.

15. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1609 YALE ST.**

This public hearing was continued from May 12, 2015.

A representative was not present.

At 8:13 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1609 YALE ST.** 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.

17. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **603 HARRISDALE AVE.**

This public hearing was continued from May 12, 2015.

A representative was not present.

Inspector Sanders recommended the property be brought into compliance within 30-days.

At 8:15 p.m. Mayor Earwood closed the public hearing.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **603 HARRISDALE AVE.** 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

Photos were show as Inspector Sanders cited structural, electrical, plumbing, and property maintenance violations. Sanders reported that the owner has been relocated to an assisted living center. Sanders stated that this case was initiated by a health and welfare check in which the fire department found the owner laying in the living room with an open electrical plug against his shoulder. Adult Protective Service was contacted. Sanders suggested that if progress is made an amendment to the order could be requested.

CM Gordon made the following motion "I move that the City Council find that the building(s) located at 603 Harrisdale Avenue based on evidence presented at the 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 is feasible of repair; and therefore order the buildings to be repaired by the owner within 30 days and the lienholder or mortgagee to within an additional 30-days if the OWNER does not comply; and 3) 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 30 days or by the Lienholder or Mortgagee of Record to within an additional 30-days if the owner does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and 4) order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaled until all substandard fees are paid in full. Motion seconded by CM Ashton.

Sanders replied to an inquiry, stating that Staff has not received any permit applications or a plan of action and that the owner's son is aware of these items as well as the \$150 substandard fee.

All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF **ORDINANCE # 1070-2015** AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY"

CS Gregory stated the concern has been that some water customers have been cut off for small amounts, specifically the past due amount. CS Gregory presented two ordinances for consideration. Draft #1 sets the cut off minimum at \$20 and eliminates the after-hours reconnection procedure. Draft #2 would continue with the cut off as adopted in October and would allow a one-time waiver of the administrative fee.

CM Gordon spoke in favor of Draft #2 with the inclusion of the eliminating after-hours reconnection.

CM Ashton stated that Draft #2 policy does not fix a policy that is not working.

CM Butler spoke in favor of Draft #1.

CM Scott spoke in favor of Draft #1 supporting the \$20 "cushion" and suggested a draft that would allow the City Secretary to have the authority to waive the administrative fee one time and to include removing the after-hours reconnection.

Mayor Earwood suggested no action be taken at this time and this item be saved for a workshop.

CM Ashton moved, seconded by CM Butler, to approve Ordinance # 1076-2015 Draft #1 which repeals the present policy and provides a revised policy that a customer would not be disconnected for an account balance of \$20 or less. CM Butler, CM Scott, and CM Ashton voted "Aye." CM Gordon voted "Nay." Motion passed.

20. CONSIDER APPROVAL OF **ORDINANCE # 1071-2015** REPEALING ORDINANCE # 1069-2015; AMENDING THE 2014-2015 FY BUDGET IN ORDER TO EXPAND FUNDS IN THE GENERAL FUND IN ORDER TO EXPEND FUNDS IN THE LIBRARY DEPARTMENT TO PURCHASE FROM OVERDRIVE THE E-COLLECTION CONSORTIUM AS OUR E-BOOK PROVIDER

No discussion occurred.

CM Gordon moved, seconded by CM Scott, to approve Ordinance #1071-2015. All voted "Aye."

21. CONSIDER APPROVAL OF **RESOLUTION # 832-2015** ADOPTING STANDARD OPERATING PROCEDURES FOR PUBLIC INFORMATION REQUESTS; ADOPTING STANDARD

OPERATING PROCEDURES FOR RECEIVING & PROCESSING COMPLAINTS & REQUESTS FOR CITY SERVICES

CS Gregory presented a standard operating procedure for processing public information requests which follows state statute and a standard operating procedure for processing complaints. Complaints would be accepted in three ways – online, downloaded and returned to City Hall or in person at City Hall, thus creating a paper trail. Once the investigation is complete, follow up could be requested by open records request.

CM Ashton clarified that telephone complaints would be accepted but with no written documentation of the complaint or follow-up.

CM Scott moved, seconded by CM Butler, to approve Resolution #832-2015 adopting standard operating procedures for public information requests. All voted "Aye."

STAFF REPORTS:

22. REQUEST BY CODE ENFORCEMENT OFFICER TO WAIVE THE HEIGHT REQUIREMENT FOR REAL ESTATE SIGNS

CEO Jones requested Council allow staff not to enforce the height restriction on real estate signs which are temporary signs exempt from permitting until the sign ordinance could be changed. Jones added that many real estate companies have standard signs which are used for commercial real estate.

CM Gordon moved, seconded by CM Scott, to allow code enforcement officers to waive the height requirement for real estate signs only - as long as the sign complies with the rest of the sign ordinance. All vote "Aye."

STAFF REPORTS:

23. STAFF REPORT ON SUBSTANDARD PROPERTIES

Inspector Sanders gave updates on the following substandard properties:

- 604 FRONTIER – Was reported on with the delinquent tax report.
- 5008 SHERWOOD – Was reported on with the delinquent tax report.
- 5008 Penrod – Was reported on with the delinquent tax report.
- 1709 LONG AVE. – Has until 7/27/2015 to comply with the Council order. No permits have been issued.
- 1705 LONG AVE. - Has until 7/27/2015 to comply with the Council order. There is an active electrical permit with no inspections made. The substandard fee has not been paid.

- 1121 CAMBRIDGE – Was discussed during a previous agenda item.
- 1202 BANKS – On hold. Vacant property which has been cleaned up on the exterior and is secure. Will enforce with a certificate of occupancy.
- 1609 Yale – Was discussed during the public hearing portion of the meeting.
- 4900 Almena - Was discussed during the public hearing portion of the meeting.
- 603 Harrisdale – Was discussed during the public hearing portion of the meeting.
- 1108 Yale – Family has contacted staff and they plan to voluntarily demolish the structure.
- 1425 Byrd – is a burnout and will be demolished.
- 5312 Taylor - has until June 21, 2015 to comply with the building official's order to repair.

Inspector Sanders mentioned upcoming substandard properties for which title searches have been requested are 4717 Almena and 1213 Cambridge.

Sanders replied to an inquiry that 5008 Sherwood has not made any contact with staff. CA Elam stated that citations could be issued to the property preservation company or corporate entity. CA Elam will concur with CS Gregory for future action.

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

PC Carter gave a reminder that three officers will be receiving an award of valor in Austin on June 12, 2015.

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

No discussion occurred.

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

No discussion occurred.

No discussion occurred.

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

No discussion occurred.

28. **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 occurred.

29. **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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

34. **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 occurred.

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

No discussion occurred.

PUBLIC FORUM:

36. 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

None.

EXECUTIVE SESSION:

37. 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:

- 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

Refer to agenda item # 3 for the times of executive session.

RECONVENE:

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken following executive session.

ADJOURN:

39. ADJOURN

At 8:52 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary