

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 9, 2015**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
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
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
ASST. CITY SECRETARY PAULA LUCK
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY

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, June 9, 2015 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

PWD James Hatley led the Pledges of Allegiance to the United States and the Texas Flags.

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 26, 2015 COUNCIL MEETING

B. RATIFY BILLS PAYABLE FOR PERIOD ENDING JUNE 9, 2015 (FY 2015)

CM Gordon moved, seconded by CM Ashton, to approve consent agenda items A and B. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 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.

Giudardo Rivera requested to install a 6-foot solid fence where a 4-foot cyclone fence had been located before on his property at 1221 Glenwick Dr. within 10-feet of the street line. The **City Building Official Gregory** stated that because this was a corner lot, the zoning ordinance provided a second front yard setback of 15-feet for a solid fence and any variance from that fell under the jurisdiction of the Zoning Board of Adjustments.

It was noted that the Inspection department had previously given Mr. Rivera approval prior to the Building Official's review to locate the new solid fence in the same location as the pre-existing cyclone fence and Mr. Rivera has since concreted the line posts for the new fence within 10-foot of the street line. Since, Staff made that judgement call, it was indicated that the City should not require further action from the ZBA in approving the application.

CM Butler moved, seconded by CM Scott, to permit Giudardo Rivera to construct a 6-foot solid fence on the side of his property replacing the pre-existing cyclone fence to within 10-feet of the street line. All voted "Aye".

8. CONSIDER APPROVAL OF **RESOLUTION # 833-2015** REQUESTING TARRANT COUNTY CONSTABLE TO SELL PROPERTIES TO THE HIGHEST BIDDER TO SATISFY DELINQUENT TAXES OWED TO THE CITY OF RIVER OAKS PURSUANT TO SECTION 34.05 OF THE TAX CODE.

Charles Brady of Perdue Brandon Fielder Collins and Mott, LLP explained that pursuant to Sec. 34.05 of the Texas Tax Code, property when struck off to a taxing entity can be sold at any time by a public or private sale. Charles Brady of Perdue Brandon Fielder Collins and Mott, LLP recommended that the City Council follow this provision under the tax code, which will remove the previous problem in getting all the other taxing entities to sign off.

It was noted that the properties included to be sold under Resolution 833-2015 are 5517 Dartmouth and 1601 Hillside Dr. and that the City had received a previous private bid for 5517 Dartmouth Ave. in the amount of \$10,000 and for 1601 Hillside Dr. in the amount of \$4,000. Mr. Brady indicated that the bid received on both properties could be the price at which the bidding would be set to start at.

In order to exercise this option, the City Council would need to adopt by Resolution requesting the Tarrant County Constable to sell properties struck off to the City to the highest bidder to satisfy delinquent taxes owed to the City of River Oaks.

CM Gordon moved, seconded by CM Butler, to approve Resolution # 833-2015 requesting the Tarrant County Constable to sell properties at 5517 Dartmouth starting the bid at \$10,000 and 1601 Hillside at \$4,000 to the highest bidder in order to satisfy the delinquent taxes owed on both properties. All voted "Aye."

9. CONSIDER APPROVAL OF CHANGE ORDER TO THE PROJECT UPGRADING THE SCADA SYSTEM AT THE WATER PLANT (ENGINEER PROJECT NO. 023-033) THRU ADOPTION OF **ORDINANCE # 1073-2015** AMENDING THE 2014-2015 FY BUDGET BY EXPANDING THE WATER FUND.

CS Gregory stated that due to unforeseen problems with equipment interfacing to the new SCADA system, Staff recommended Council approve the change order and Ordinance # 1073-2015 amending the budget in order that the project be increased an additional \$16,496 over the original contract price of \$217,410.00 in order to offset the expenditures.

Mayor Earwood questioned why the contractor didn't anticipate those costs when originally bidding the project? **CS Gregory** stated that during the project, there has been a lot of problems with the current outdated SCADA system that had to be upgraded so as to be interfaced. **Mayor Pro-Tem Holland** agreed with **Mayor Earwood** that those should have been considered up front and felt there shouldn't be any more increases to the project from this point forward.

CM Gordon moved, seconded by **CM Ashton**, to approve **Ordinance # 1073-2015** amending the Budget an additional \$16,496 for the unplanned improvements. All voted "Aye."

10. DISCUSSION AND/OR ACTION REGARDING THE NON-COMPLIANCE OF SUBSTANDARD VIOLATIONS ON THE PROPERTY AT **5008 SHERWOOD**.

Emily Stroope, attorney for Roundpoint Mortgage Servicing Corporation, was present representing the property and she stated the outside has been cleaned up and the property is secured. She requested that the Council give them 90-days in order to sell the property as is and to waive the civil penalties already being assessed against the property.

Steve Sanders and John Paul Jones stated that the outside had been cleaned up but had to be done by the City due to the property preservation company not complying in the allotted time and therefore liens will have to be filed in order to recover city incurred expenses in abating the violations.

CM Gordon moved, seconded by **CM Ashton**, to permit Roundpoint Mortgage Servicing 90-days from June 9, 2015 in which to sell the property in its present condition or to abate all substandard violations and bring it into full compliance with the River Oaks Code and that the civil penalties being assessed under the December 9, 2014 hearing order shall be suspended as of June 9, 2015 and If the property is not sold or is not brought into full compliance within 90-days, then all civil penalties will be reinstated and be retroactive back to June 10, 2015. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

11. CONSIDER APPROVAL OF **ORDINANCE # 1072-2015** AMENDING ARTICLE 3.12 "SIGNS" OF THE RIVER OAKS CODE OF ORDINANCES.

CS Gregory reported that the reason for amending the Sign Ordinance was for the most part to incorporate the action already taken by council on Attached Signage and unpermitted Real Estate Signage except that Staff felt it was necessary to also permit those businesses enclosed by a solid fence to be able to install a sign on the fence as long as the sign named the business and was in a metal frame made to look like a business sign.

CM Ashton moved, seconded by CM Butler, to approve Ordinance # 1072-2015 amending Article 3.12 "Signs" of the River Oaks Code of Ordinances. All voted "Aye."

12. CONSIDER APPROVAL OF **ORDINANCE NO. 1074-2015** AMENDING THE 2014-2015 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COURT TECHNOLOGY FUNDS.

PC Chief Avin Carter presented the need to replace the L-3 Server and CDR burner since the existing server is running out of memory space. He indicated that he felt the funds could be expended out of court technology because the videos must be saved as evidence in municipal court cases. His original plan was to present this expenditure in next year's budget but he feels that the current server won't make it that long.

Mayor Pro-Tem Holland moved, seconded by CM Gordon, to approve Ordinance # 1074-2015 amending the 2014-2015 FY General Fund Budget to expend \$16,782 out of the Court Technology Fund in order to purchase an L-3 Server and CDR burner. All voted "Aye".

13. CONSIDER APPROVAL OF **ORDINANCE NO. 1075-2015** AMENDING THE 2014-2015 FY GENERAL FUND BUDGET FOR ROAD REPAIRS TO INSPIRATION LANE AND MAKARWICH CT.

CM Gordon filed a conflict of interest with the City Secretary and left the dais. **CS Gregory** reported that there are major street failures on both Inspiration Lane and Makarwich Court and had met with Tarrant County about reclaiming both roads at a cost of \$36,426.00 for equipment and materials only. **CS Gregory** recommended amending the budget to incorporate the additional funds in Road Repairs that was not originally planned for.

CM Butler moved, seconded by CM Scott, to approve Ordinance # 1075-2015 amending the General Fund Budget an additional \$36,426.00 for road repairs. Four voted "Aye." CM Gordon abstained from voting. Motion Passes.

OTHER ITEMS POSSIBLY REQUIRING COUNCIL ACTION:

14. SCHEDULING DATE FOR PLANNING WORKSESSION.

CS Gregory requested that Council elect a date for a Saturday Planning Work Session in order to discuss infrastructure improvements, park and recreation, streets, Library and capital purchasing. **Mayor Earwood** presented the need to replace the remaining existing water mains and felt it could be funded out of the Water Fund once the water bonds for the plant were paid off. **Mayor**

Pro-Tem Holland would like to have a range of different topics on the agenda for the work session. Several dates were considered but no actual date was selected. **Mayor Earwood** directed CS Gregory to make contact later with Council and set a date.

No further action was taken.

STAFF REPORTS:

15. EMC JAMES MYRICK REGARDING SAFEGUARDING FROM MOSQUITOES

EMC Myrick presented a flyer to the Council and to those in the audience regarding mosquito facts and safeguarding the community's health from the dangers of being affected by mosquitoes carrying WNV and CHIKV.

PUBLIC FORUM:

16. 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

PC Carter announced that *Police Officers Timothy Whitley, Nathan Wilson and Sergeant Steven Nance* would be presented with the Valor Award in Austin on June 12, 2015.

Mayor Earwood apologized that he wouldn't be able to attend due to prior commitments.

CM Ashton reported that he had recently seen **Jeff Stowe**, firefighter who suffered cardiac arrest, and he appeared to be doing very well.

CM Scott wanted to thank the Fire Department for the report he received about the job they did in helping a neighbor.

EXECUTIVE SESSION:

17. 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.

RECONVENE:

18. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

19. ADJOURN

At 8:40 p.m. Mayor Pro-Tem Holland moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary