

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 14, 2015**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOE ASHTON (AT 7:39 P.M.)
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
FIRE CHIEF RUSSELL SHELLEY
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

MEMBERS ABSENT:

COUNCIL MEMBER JOANN BUTLER (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 7:00 p.m. on Tuesday, July 14, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

It was announced that CM Butler is out of town and CM Ashton would arrive late.

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.

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 JUNE 23, 2015 COUNCIL MEETING & JUNE 29, 2015 COMMUNITY FORUM
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING JULY 14, 2015 (FY 2015)
- C. APPROVE RESIGNATION OF POLICE OFFICERS GREGORY KEY & ROBERT CHAPMON
- D. APPROVE RECOMMENDATION FOR HIRING J.J. GARCIA AS A POLICE OFFICER

E. APPROVE CONTRACT WITH TARRANT COUNTY TAX OFFICE FOR TAX COLLECTION FOR TAX YEAR 2015.

CM Gordon mentioned including the word "if" in the sentence "Ms. Smith was told to request additional time necessary" under agenda item #7 of the minutes from the June 23, 2015 Council Meeting. Staff will review the recording and make a correction if necessary.

CM Gordon requested clarification on agenda item on agenda item #11 "PWD Hatley requested funds to replace a collapsed line that is a 4-inch building sewer instead of a 6-inch collection main." Staff verified the information is correct.

CM Gordon moved, seconded by CM Scott, to approve the consent agenda items A, B, C, D, and E with the review of the recording and the noted change to the Regular Meeting Minutes if necessary. 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 WILLIAM HEWITT AT 1163 GLENWICK FOR REIMBURSEMENT OF PLUMBING BILLS DUE TO SEWAGE BACKING UP FROM THE CITY MAIN

William Hewitt, 1163 Glenwick, requested reimbursement for plumbing expenses related to a sewer backup on City property. Mr. Hewitt hired two plumbers to clear his sewer line after the city told him the sewer main was clear. It was discovered that Mr. Hewitt's sewer line stops at his fence and from there the sewer line runs across the creek to the sewer main, which is City property.

CM Scott moved, seconded by CM Gordon, to reimburse William Hewitt \$589.00. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON THE FY 2016 PRELIMINARY BUDGET PROPOSAL AS SUBMITTED BY THE CITY SECRETARY

Council Members will review the budget proposal. Workshops and public hearings will be held in the near future.

No action was taken.

9. CONSIDER APPROVAL OF ROAD IMPROVEMENTS TO BE SCHEDULED WITH TARRANT COUNTY PRECINCT 4 FOR FY 2016

PWD Hatley requested to sealcoat 307,409 square feet of streets that have recently been repaired for a total cost of \$64,557.

CM Gordon moved, seconded by CM Scott, to approve the road improvements with Tarrant County Precinct 4 for fiscal year 2016 in the amount of \$64,557.00. All voted "Aye."

10. DISCUSSION AND/OR ACTION REGARDING THE NON-COMPLIANCE OF SUBSTANDARD VIOLATIONS ON THE PROPERTY AT 603 HARRISDALE

Inspector Sanders showed photos and requested direction from the Council. Sanders reported that Robert Waggoner, the owner's son, allowed access in order for Sanders to assess any changes in the property. Sanders reported that some of the debris has been removed on the exterior but the interior remains in the same condition. Sanders testified that the property is in substandard condition with hazardous electrical wiring which constitutes a fire hazard. Sanders reported that the property is feasible of repair. Much discussion occurred related to terminating the utilities. The Council directed Sanders to inform Robert Waggoner that the utilities would be terminated if a plan of action is not received. No action will be taken until after the time for the lienholder to comply with the order which expires at the end of July.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

11. 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 **5008 PENROD 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

The public hearing was opened at 7:34 p.m.

CS Gregory reported that this property is now a HUD property. A resolution requesting the property be maintained and brought into compliance will be presented at the next regular meeting of the City Council.

The public hearing was closed at 7:35 p.m.

12. ACTION FROM ADMINISTRATIVE HEARING: CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT **5008 PENROD** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE

No action was taken.

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

The public hearing was opened at 7:36 p.m.

With no property representatives present, Building Inspector Sanders showed photos and described structural, plumbing and electrical violations.

The public hearing was closed at 7:40 p.m.

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

CA Elam stated that the title remains the in name of the decease but Tarrant Appraisal District lists a minor child as the record owner. CA Elam confirmed that the Council could take enforcement action including an order to repair.

Mayor Pro Tem Holland made the following motion, "I move that the City Council find that the building located at 4900 Almena Road based on evidence presented at this 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(s) is/ are feasible of repair and therefore ORDER the Building to be repaired BY THE OWNER within 89 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) 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 89 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) Order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaied until all substandard fees are paid in full. Motion seconded by CM Gordon. All voted "Aye."

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

The public hearing was opened at 7:47 p.m.

Richard Durant (?), grandson of the deceased property owner, stated his intention to bring the property into compliance for his uncle who has inherited the property.

Sanders reported that Richard Durant allowed access to evaluate the property which remains in substandard condition.

The public hearing was closed at 7:51 p.m.

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

CM Gordon verified with Richard Durant that he had received a copy of the violations and he intends to correct all the substandard violations.

CM Gordon made the following motion, "I move that the City Council find that the building located at 1609 Yale Street based on evidence presented at this 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(s) is/ are feasible of repair and therefore ORDER the Building to be repaired BY THE OWNER within 89 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) 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 89 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) Order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. Motion seconded by CM Ashton. All voted "Aye."

17. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5312 TAYLOR RD.**

The public hearing was opened at 7:56 p.m.

Inspector Sanders reported that access to the property was gained with the execution of an administrative search warrant. It was reported that a tax suit has been filed for taxes that have not been paid since 2002. Sanders indicated that the property would require extensive work to refurbish. Photos were not available.

The public hearing was closed at 7:59 p.m.

18. **ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5312 TAYLOR 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**

CM Ashton expressed concern with issuing an order on a property for which photos were not available. CS Gregory stated that the tax sale should occur by the end of the year. CM Holland expressed concern that the delinquent taxes were allowed to accrue since 2002 without filing suit.

At 8:08 p.m. the public hearing was re-opened and will continue at the next regular meeting on July 28, 2015 at 7:00 p.m.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF **ORDINANCE # 1077-2015** AMENDING ARTICLE 13.02 "UTILITY POLICY AMENDING SECTION 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES

CS Gregory stated that Franklin Legal Publishing suggested the proposed ordinance to clarify the reconnection portion of the utility policy.

CM Scott moved, seconded by CM Ashton, to approve Ordinance #1077-2015. All voted "Aye."

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**

None.

EXECUTIVE SESSION:

21. 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: **Public Information Act Complaint**
- 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

At 8:09 p.m. Mayor Earwood convened into executive session Under Section 551.071, 551.072, 551.074, and 551.076.

RECONVENE:

At 8:46 p.m. Mayor reconvened into regular session

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

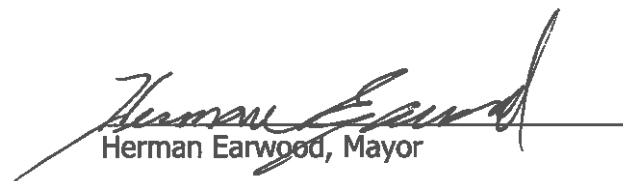
ADJOURN:

23. ADJOURN

CM Gordon gave a reminder for the meeting on July 27, 2015 at 6:30 p.m. at the River Oaks Community Center in which citizen input will be collected for the River Oaks Boulevard project.

At 8:46 p.m. Mayor Pro Tem Holland moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary