

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 9, 2016**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

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, August 9, 2016 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) AND SPECIAL PRESENTATIONS BY MAYOR:

None.

[At 7:02 p.m. Mayor Earwood convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076.]

[At 7:51 p.m. Mayor Earwood reconvened into regular session.]

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 JULY 26, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING AUGUST 9, 2016 (FY 2016)
- C. APPROVE RESIGNATION OF CONSTANCE TAYLOR AS A FULL-TIME POLICE DISPATCHER
- D. APPROVE HIRING OF IVAN TEELER AS A MAINTENANCE OPERATOR IN PUBLIC WORKS

E. APPROVE INTERLOCAL AGREEMENT WITH FORT WORTH FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION

F. APPROVE CONTRACT WITH TARRANT COUNTY FIRE ALARM FOR EMERGENCY SERVICES

G. APPROVE QUENTIN ANDREW YOUNG AS RESERVE PEACE OFFICER

Mayor Pro Tem Ashton moved, seconded by CM Butler, to approve consent agenda items A through G. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 EMPLOYEE HEALTH, LIFE, DENTAL, VISION & MEDICAL INSURANCE RATES FOR PLAN YEAR OCTOBER 2016-SEPTEMBER 2017---PRESENTED BY DAWN BRINSON, BRINSON BENEFITS

Dawn Brinson presented the rates for the 2016-2017 year for employee health, life, dental, vision and medical insurance with the only increase being 5% for medical. Ms. Brinson explained that the Teledoc program which is currently at \$2.00 per employee per month is proposed at \$2.50 but she anticipates a negotiated rate at \$2.00.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve the employee health, life, dental, vision, and medical insurance rates for plan year October 2016 through September 2017 with the 5% increase as presented by Dawn Brinson. All voted "aye."

8. DISCUSSION AND/OR ACTION ON AMENDING THE APRIL 12, 2016 BOARD ORDERS AT **5411 PURDUE AVE. ORDERING** ALL STRUCTURES ON THE PROPERTY TO BE DEMOLISHED AND ALL DEBRIS REMOVED WITHIN 60-DAYS

BI Sanders reported that the primary structure has been demolished and the property owner has requested that the accessory building be allowed to remain since they intend to rebuild. Sanders explained that the accessory building would have to be moved one foot from the side property line to conform to the current setback requirements.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to allow 180 days for the accessory structure to remain provided a new residence is permitted within 180-days and if no such permit is acquired the accessory structure must be demolished. The owner must bring the accessory structure into compliance with the setback requirements. All voted "aye."

9. **CONSIDER APPROVAL OF ROAD IMPROVEMENTS TO BE SCHEDULED WITH TARRANT COUNTY PRECINCT 4 FOR FY 2017**

CS Gregory requested to contract with Tarrant County for road repairs at the intersection of Ohio Garden and Roberts Cut Off and on Roberts Cut Off to Skyline. CM Butler requested that school days and hours be considered when scheduling the repairs. PC Carter mentioned delaying the striping of Roberts Cut Off until after the road repair.

CM Gordon moved, seconded by CM Butler to approve road improvements to be scheduled with Tarrant County Precinct 4 for fiscal year 2017. All voted "aye."

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

10. **PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED PROPERTY RE-PLAT IN THE FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT. (ZONING CASE # PZ 2016-05)**

At 8:18 p.m. Mayor Earwood opened the public hearing.

CS Gregory reviewed the request to re-plat a 1.157 acre lot into 3 separate lots. CS Gregory described a 21-foot easement on the left side of the property which will be used for a private driveway to access all three properties. CS Gregory reported one written opposition was received.

Angela Wilson, 808 Roberts Cut Off, expressed concern that a driveway would be installed along her property line for three families to utilize. Ms. Wilson also described drainage issues on the other side of her property which she believes would intensify if the driveway were installed.

Much discussion occurred related to the re-plat request which is unrelated to development guidelines and the ministerial duty of the City Council to approve the re-plat request if it meets the subdivision ordinance. Additional discussion ensued related to the requirements of a 50-foot driveway if it is a subdivision. CS Gregory stated that a drainage study would be required and the development requirements must be met.

It was suggested this public hearing remain open to allow staff to further research the requirements and to allow Mr. Inge to be present to answer questions.

Mayor Earwood announced that this public hearing would remain open and be continued on August 23, 2016 at 7:00 p.m.

11. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED PROPERTY RE-PLAT IN THE FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-**

PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT

None.

12. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

At 8:41 p.m. Mayor Earwood opened the public hearing.

CS Gregory gave an update as reported by legal counsel for the property, stating that the foreclosure is scheduled for September 2, 2016.

Mayor Earwood announced that this public hearing would remain open and be continued on August 23, 2016 at 7:00 p.m.

13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** 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

None.

14. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **619 HARRISDALE AVE.**

At 8:43 p.m. Mayor Earwood opened the public hearing.

Mike Summers presented the new owners of the property, Maria and Epifanio Ramos. Mr. Summers requested additional time to allow the new owners to present a plan of action and make a request for time to abate the substandard violations. Inspector Sanders stated the new permits would be required as well as a new plan of action. Inspector Sanders supported allowing the new owners 89-days to bring the property into compliance with 30-day progress checks.

Mr. Ramos requested 6-months to bring the property into compliance.

At 8:49 p.m. Mayor Earwood closed the public hearing.

15. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **619 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

CM Gordon moved, seconded by Mayor Pro Tem Ashton, that the building board of appeals hereby find that 1) based on the evidence presented at this hearing is substandard; and 2) that the conditions set forth in this 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 3) that the building(s) is/are feasible of repair; and therefore order that 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 1) 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 2) order that the building be repaired in confirmation 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 if the building is not repaired within that time 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 may be demolished; and 3) that 30-day progress inspections be made by the City Inspector and be reported to the Board prior to the 89-day order being reconsidered to be amended. All voted "Aye."

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

At 8:53 p.m. Mayor Earwood opened the public hearing.

Carol Waggoner-Wells requested time to probate her brother's will and bring the property into compliance. It was explained that a previous City Council order which allowed time to probate the will and repair the property had expired. Ms. Waggoner's son indicated that he would become involved to promptly make the required repairs or sell it to one of two prospective buyers.

Mayor Earwood announced that this public hearing would remain open and be continued on August 23, 2016 at 7:00 p.m.

17. **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

None.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. CONSIDER APPROVAL OF **ORDINANCE # 1118-2016** AMENDING ARTICLE VIII, "JUNKED AND ABANDONED VEHICLES", OF CHAPTER VIII OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; BY AMENDING THE DEFINITION OF JUNKED VEHICLE AND OTHER DEFINITIONS TO CONFORM TO STATE LAW; BY AMENDING THE NOTICE, HEARING, AND ABATEMENT REGULATIONS AND PROCEDURES FOR JUNKED VEHICLES

CS Gregory explained the major difference which moves the responsibility of removal from a hearing officer to the municipal judge. CS Gregory stated that the ordinance is cohesive with state law.

CM Scott moved, seconded by GM Gordon, to approve Ordinance #1118-2016. All voted "Aye."

19. CONSIDER APPROVAL OF **RESOLUTION # 867-2016** APPROVING THE ADOPTION OF THE HIGHWAY 183 CORRIDOR MASTER PLAN DESIGNED BY AECOM AND AS PRESENTED BY NCTCOG ON JULY 26, 2016

CS Gregory requested approval of the resolution which confirms action taken at the last City Council meeting.

Mayor Pro Tem Ashton moved, seconded by GM Butler, to approve Resolution #867-2016. All voted "Aye."

STAFF REPORT:

20. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 4829 KESSLER – no discussion, tied up in litigation
- 901 CHURCHILL RD. – Sanders reported that the two week progress check as ordered by the Council expires tomorrow. Secretary Stewart reported that Mr. Bankston has indicated that he will set up routine inspections.
- 5116 RIVER OAKS BLVD. – Sanders reported the grease trap has been cleaned and that the property is in compliance and no longer substandard. Mayor Pro Tem Ashton mentioned the private drive from the parking lot to Roberts Cut Off which is part of this property. Mayor Pro Tem Ashton requested that staff notify them that both private drives must also be in compliance.

No action was taken.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

21. DISCUSSION AND/OR ACTION AS PRESENTED BY THE EMERGENCY MANAGEMENT COORDINATOR ON SECURITY GATES

This agenda item was discussed in executive session. Refer to executive session for action taken.

PUBLIC FORUM:

22. 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**

Steve Sanders reported that the new fire truck should arrive August 23, 2016.

PC Carter reported that the new patrol unit should arrive within the week.

EXECUTIVE SESSION:

23. 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:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney: **City of River Oaks vs. Hendershot; 4900 Almena Rd.**
- 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.
- d. Section 551.076 Deliberation regarding security devices.

[Executive session was enacted prior to agenda item #5.]

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

CM Gordon moved, seconded by CM Butler, to approve the agreement for prejudgment on the Hendershot case as discussed in executive session. All voted "aye."

Mayor Pro Tem Ashton moved, seconded by CM Scott, to allow CA Elam to file suit for the property at 4900 Almena. All voted "aye."

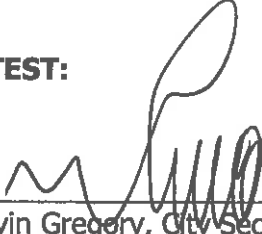
ADJOURN:

25. ADJOURN

At 9:25 p.m. Mayor Pro Tem Ashton moved, seconded by CM Scott, to adjourn the meeting. All voted "aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor