

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 10, 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
FIRE CHIEF RUSSELL SHELLEY
EDC CONSULTANT PATRICIA WARD
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
RECORDING SECRETARY SUSAN STEWART
CITY 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, November 10, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS

None.

Mayor Earwood gave a reminder of Veteran's Day on 11/11.

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 OCTOBER 27, 2015 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 10, 2015 (FY 2016)
- C. APPROVE E.D.C. 4TH QUARTER FY 2015 FINANCE REPORT (JULY 1-SEPT. 30, 2015)
- D. APPROVE C.C.P.D. 4TH QUARTER FY 2015 FINANCE REPORT (JULY 1-SEPT. 30)

E. ACCEPT THE RETIREMENT NOTICE OF JAMES HATLEY AS THE CITY'S PUBLIC WORKS DIRECTOR EFFECTIVE JANUARY 15, 2016

PWD Hatley was recognized for 20 years of service with the City.

CM Butler moved, seconded by CM Ashton, to approve the consent agenda items A through E. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

CERTIFICATION OF APPRECIATION:

7. AWARDING A CERTIFICATE OF APPRECIATION FROM ONE SAFE PLACE FOR THE CITY'S CONTRIBUTIONS TO ONE SAFE PLACE THIS PAST YEAR

Rockie Martinez, Representative for the Voices Committee of One Safe Place, presented a certificate of appreciation for the City's support.

No action was taken.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. DISCUSSION AND/OR ACTION ON REQUEST BY JAMES WARRINER AT 917 HALLUM ST. REGARDING RESCHEDULING OF GARAGE SALE

Jimmy Warriner, 917 Hallum, requested permission to reschedule a garage sale permit for this coming weekend due to a misunderstanding and an upcoming medical procedure.

CM Ashton moved, seconded by CM Butler, to approve the request by James Warriner at 917 Hallum Street to reschedule his garage sale for this weekend. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON AMENDING THE SUBSTANDARD BUILDING BOARD ORDERS ISSUED ON THE PROPERTY AT 5008 PENROD COURT

A representative was present but did not speak.

BI Sanders reported that a new owner has taken possession of the property and has a building permit, has paid the substandard fee and is actively working to bring the property into compliance. Sanders recommended 90-days to complete the repairs and obtain a certificate of occupancy. Staff reported that a plan of action has been received.

CM Butler moved, seconded by CM Gordon, to allow Mr. Chavez an extra 90-days to complete 5008 Penrod. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON AMENDING THE SUBSTANDARD BUILDING BOARD ORDERS ISSUED ON THE PROPERTY AT 1609 YALE ST.

A representative was present but did not speak.

BI Sanders reported that the repairs have been made, the substandard fee has been paid and an application for a certificate of occupancy has been received. The property representative plans on opening a water account and scheduling a final inspection in the near future. Sanders recommended 60-days to comply with the order. Sanders reported that a plumbing permit is required.

CM Gordon moved, seconded by CM Ashton, to amend the substandard building board orders on the property at 1609 Yale for 60-days. All voted "Aye."

11. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING BOARD ORDERS ISSUED ON THE PROPERTY AT 4717 ALMENA RD.

A representative was present but did not speak.

BI Sanders reported progress and recommended 90-days to complete the repairs.

CM Ashton moved, seconded by CM Butler, to amend the substandard building board orders issued on the property at 4717 Almena by giving an additional 90-days. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON RECYCLING HAULING FEE BY PROGRESSIVE WASTES

Mayor Earwood explained that the recycling program has grown beyond what Progressive Waste can pick up at no cost to the City. Mayor Earwood presented the proposal from Progressive Waste to charge \$200 per load for the roll-off to be picked up. Mayor Earwood stated that the savings generated by the recycling program is a still substantial.

Mayor Pro Tem Holland moved, seconded by CM Gordon, to allow the Mayor to enter into an agreement with Progressive Waste to pay for the dumping of the roll off container for the recycling program. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. **PUBLIC HEARING CONTINUED FROM OCTOBER 13, 2015: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1425 BYRD ST.**

This public hearing is still open and continued from October 27, 2015.

BI Sanders showed photos and reported more than 70% heavy charring. Sanders recommended the structures be ordered demolished due to the health, safety, and general welfare of the public. Sanders reported numerous complaints on this property.

Royce Martin, representative for the company that owns the house, reported taking possession of the property at the end of summer. Mr. Martin anticipates release of the property from the insurance company in the very near future. Mr. Martin indicated the property would be restored or demolished once released. Mr. Martin requested 2-3 weeks to evaluate the information and make a sound decision.

BI Sanders requested that the property be maintained by keeping the grass mowed and the debris picked up.

Mr. Martin was directed to contact CS Gregory with any communication so that he may not have to return to a future meeting.

It was announced that this public hearing would remain open and be continued on November 24, 2015 at 7:00 p.m.

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1425 BYRD 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.

15. PUBLIC HEARING CONTINUED FROM OCTOBER 27, 2015: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1444 LONG AVE.

This public hearing is still open and continued from October 27, 2015.

BI Sanders showed photos and described more than 70% heavy charring on the roof truss. Sanders reported no contact from the owners since the last meeting. Sanders stated that the house is not suitable for occupancy and he recommended that the structures be demolished due to the health, safety and welfare of the public. Sanders added that the property is not feasible of repair.

At 7:32 p.m. the public hearing was closed.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1444 LONG 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 Ashton made the following motion, "I move that the City Council find that the building located at 1444 Long 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 the occupants of the building(s), if applicable, are endangered; and 2) that the owner of record has been given an opportunity in the past to make the necessary repairs, and there is no reasonable probability that the building(s) will be repaired within a reasonable period of time if additional time is given; and therefore, order that the building(s) located at 1444 Long Avenue be demolished and the debris removed from the property within 30 days and the lienholder or mortgagee of record to within an additional 30-days if the owner of record does not comply; and 3) If the owner of record fails to demolish or remove the building within 30-days and the lienholder or mortgagee of record to within an additional 30-days if the owner of record does not comply, the City shall demolish the building at its expense and place a lien on the property to recover its costs." Motion seconded by CM Butler. All voted "Aye."

17. PUBLIC HEARING CONTINUED FROM OCTOBER 27, 2015: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 622 OAKLAWN DR.

This public hearing is still open and continued from October 27, 2015.

Adam Nunnallee, Attorney for Dykema Cox Smith representing Deutsche Bank, stated that the bank took possession of the property on September 1, 2015. Mr. Nunnallee reported open negotiations with a neighbor to purchase the property. Mr. Nunnallee requested 2 weeks to complete the sale of the property with the neighbor. Mr. Nunnallee stated that he would encourage his client to sell the property in an online auction if the sale with the neighbor is not successful.

BI Sanders recommended leaving the public hearing open until the next regular meeting.

It was announced that this public hearing would remain open and be continued on November 24, 2015 at 7:00 p.m.

18. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 622 OAKLAWN 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

No action was taken.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

19. DISCUSSION AND/OR ACTION ON COUNCIL PARTICIPATION IN THE ANNUAL MAYOR'S COUNCIL CELEBRATION ON DECEMBER 7, 2015

Patricia Ward gave a reminder of the annual Mayor's Council Celebration and Annual Meeting which will be held at the TCU Champions Club on December 7, 2015.

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**

CM Butler gave a reminder of the Annual Fun Run on December 5, 2015. CM Holland described the opportunity for the local businesses to advertise on the back of the t-shirts and/or to have a booth at the event. CM Holland stated that the proceeds go to CCDAC for scholarships.

CM Butler announced the monthly community luncheon on November 24, 2015. CM Butler announced that luncheon for December will be on the third Tuesday of the month.

David Holder stated that the school board will have a float in the annual Christmas Parade.

David Holder extended an invitation to the MPS Caring and Sharing Event at the Community Center on November 21, 2015 at 6:00 p.m. Ornaments designed by the Holland children will be available for purchase as well as an auction of baked items.

CM Butler stated that Charles Duke and his choir will perform at the parade event.

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:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- 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.

None called for.

RECONVENE:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

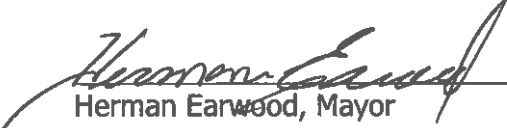
None

ADJOURN:

23. ADJOURN

At 7:52 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