

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 9, 2014**

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
PUBLIC WORKS DIRECTOR JAMES HATLEY
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
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, December 9, 2014 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.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR

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 NOVEMBER 25, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING DECEMBER 9, 2014 (FY 2015)
- C. APPROVE RESIGNATION OF JASON KOHUT, WATER OPERATOR I
- D. APPROVE NOTICE OF RETIREMENT BY MARY EARWOOD, LIBRARIAN
- E. APPROVE NOTICE OF RETIREMENT BY DAVID RUTHESELL, PARKS & REC
- F. APPROVE THE RESIGNATION OF KEITH DOES AS A MAINTENANCE OPERATOR IN THE STREET DEPARTMENT

CM Scott moved, seconded by CM Butler, to approve consent agenda items A through F. All voted "Aye."

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

7. CONSIDER APPROVAL OF **ORDINANCE # 1052-2014** EXPANDING THE FY 2015 GENERAL FUND BUDGET BALANCE IN ORDER TO EXPEND FUNDS FROM COURT TECHNOLOGY AND COURT SECURITY TO UPGRADE CITY AND POLICE DEPARTMENT WEBSITES AND EMAIL ACCOUNTS

Jarod O'Flarey, Fly Rock Media, presented an upgrade to the City's website and email accounts. Some of the upgrades include optimizing the website for mobile devices such as phones and tablets, provide additional security for emails on a private server, and upgrade host security and control.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1052-2014 expanding the FY 2015 general fund budget balance in order to expend funds from court technology and court security to upgrade City and Police Department websites and email accounts. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON REQUEST BY PAUL COGGINS TO INSTALL HARDIE BOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT **812 GUSTAV STREET**

Paul Coggins, property owner, requested to replace some fiber board siding with cement siding at 812 Gustav.

Mayor Pro Tem Holland moved, seconded by CM Butler, to approve the installation of cement fiber board siding at 812 Gustav. All voted "Aye."

9. CONSIDER APPROVAL TO WAIVE LIENS FILED ON THE PROPERTY AT **5016 WHITE OAK LANE** TO REMOVE AN UNSANITARY CONDITION FROM THE PROPERTY AS REQUESTED BY TRACY SPARKS

Tracy Sparks requested the liens placed on her property be lifted. Ms. Sparks stated that she recently became aware of the liens when applying for a loan to pay back taxes that are owed on the property. Ms. Sparks stated that she was hospitalized during the time the work was performed by the City.

COE Jones summarized the timeline for numerous notifications for code violations at this address.

CM Gordon expressed concern over the request to waive liens for cost incurred by the City for work done at the property.

[At 7:35 Mayor Earwood convened into executive session under Section 551.074.]

[At 7:44 p.m. Mayor Earwood convened into regular session.]

CM Scott moved, seconded by CM Butler, to deny the request. All voted "Aye."

It was stated that Ms. Sparks could make payments to the City for the liens plus the interest and the liens would be released once paid in full.

10. CONSIDER APPROVAL TO AWARD BID TO UNISON SITE MANAGEMENT LLC. TO PURCHASE THE WIRELESS COMMUNICATION EASEMENT IN THE REAR OF THE PROPERTY AT 4900 RIVER OAKS BLVD. OWNED AND OPERATED BY THE CITY OF RIVER OAKS

CS Gregory stated that the sale of the easement appeared to be profitable in the beginning but over the course of the 50-year agreement the City would actually lose money. Council members expressed concern over a 50-year agreement.

CM Butler moved, seconded by CM Ashton, to not award the bid. All voted "Aye."

11. CONSIDER APPROVAL OF **ORDINANCE # 1050-2014** IN ORDER TO EXPAND THE FY 2015 GENERAL FUND BUDGET BALANCE IN ORDER TO REPLACE THE HALLWAY FLOORING WITH COURT BUILDING SECURITY FUNDS

Mayor Earwood requested that the hallway carpet be replaced with vinyl plank flooring, citing appearance and maintenance as the main reasons.

CM Butler moved, seconded by CM Scott, to not approve Ordinance #1050-2014 and not to change the flooring. Mayor Pro Tem Holland, CM Butler, CM Scott, and CM Ashton voted "Aye." CM Gordon voted "Nay." Motion passed.

12. DISCUSSION AND/OR ACTION ON ATTACHED SIGNAGE PURSUANT TO ARTICLE 3.12 OF THE RIVER OAKS CODE OF ORDINANCES

CS Gregory explained that upon receiving an application for an oversized sign which is in violation of the sign ordinance, Staff noticed that most of the signs on that commercial property are in violation of the sign ordinance and were not properly permitted. Gregory added that Staff has made some procedural changes which should assist in noticing when signs are erected without a permit. It was requested that Staff inform new businesses of the requirement to permit all signs when application is made for water service. Council Members agreed that the sign ordinance is in need of revisions.

CM Ashton moved, seconded by CM Gordon, to approve the sign application and take no action on the other signs that are in violation until the sign ordinance can be amended. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. **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 SHERWOOD DR.** FOR FAILURE TO COMPLY WITH AN ORDER

ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES

At 8:26 p.m. CM Ashton left the dais.

At 8:26 p.m. Mayor Earwood opened the public hearing.

CEO Jones reported no change in the property. Jones stated that staff has been in contact with the property management company on multiple occasions but has received no plan of action as promised. Jones verified that all notices of the original order and this administrative hearing have been mailed to the owner and lienholder in addition to being filed with Tarrant County.

At 8:30 p.m. CM Ashton returned to the dais.

At 8:32 p.m. Mayor Earwood closed the public hearing.

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

CM Gordon made the following motion, "I move that the Board find that the Building(s) located at 5008 Sherwood Dr. based on evidence presented at the Administrative Hearing of December 9, 2014, is in violation of the Substandard Building Order issued on June 24, 2014 that allowed Jose M. & Leticia G. Garcia until July 24, 2014 and the Lienholders of Record, if any, until August 23, 2014 to abate all Substandard Conditions and further move to find that: 1) the record property owners, Jose M. Garcia and Leticia G. Garcia have not provided proof that the property at 5008 Sherwood Dr. in River Oaks, Tarrant County, Texas is the owner's lawful homestead; and 2) the property owner was notified of the contents of the order issued pursuant to Section 3.07.007 of the River Oaks Code of Ordinances (2006) as amended; and 3) the property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order after the deadline date; and THEREFORE MOVE TO ORDER: 1) that civil penalties be assessed in accordance to Section 3.07.013 of the River Oaks Code of Ordinances (2006) as amended against the record owner, Jose M. Garcia and Leticia G. Garcia pursuant to the June 24, 2014 Substandard Building Order as amended in the amount of \$75.00 (Seventy-Five Dollars) per day beginning on December 9, 2014 and continuing each day in the amount of \$75.00 (Seventy-Five dollars) per day that the property remains in violation and civil penalties shall continue until all the actions under the Substandard Building Order is released or in the event the property is sold; and 2) after the civil penalty is assessed, the city secretary shall file with the district clerk of the county in which the property is located a certified copy of the order assessing the civil penalty stating the amount and duration of the penalty; and 3) the civil

penalty may be enforced by the city in a suit brought by the city in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this subsection is final and binding and constitutes prima facie evidence of the penalty in any suit. Motion seconded by CM Scott. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF **RESOLUTION # 816-2014** AMENDING THE CITY'S EMPLOYEES PERSONNEL POLICY UNDER SECTION 5.10 "OTHER LEAVE WITH PAY" BY REVISING SECTION 5.10(d) "LEAVE DUE TO SEVERE WEATHER; ICE AND SNOW DAYS"

Mayor Earwood suggested an employee who does not come to work due to inclement weather must use a benefit day. PC Carter expressed concern that in the past the 8-5 employees were paid if City Hall was closed due to inclement weather but essential personnel was not paid for that extra day.

Additional discussion occurred related to inclement weather days being a "benefit" for some. Council Members felt that if City Hall is closed non-essential employees and essential employees who are scheduled to work but do not come in due to the weather would be paid and essential personnel would be paid in the same manner as holiday pay if they work within a 24 hour period of the City Hall closure. It was also decided that this procedure would be used in the case of an inclement weather closure prior to the adoption of a formal policy. CS Gregory will revise the resolution for presentation at the next regular City Council meeting.

No formal action was taken.

16. CONSIDER APPROVAL OF **ORDINANCE # 1053-2014** EXPANDING THE 2014-2015 FISCAL YEAR GENERAL FUND OPERATIONAL BUDGET BALANCE IN ORDER TO EXPEND FUNDS FROM COURT SECURITY TO UPGRADE THE CITY'S SECURITY SURVEILLANCE SYSTEM

No discussion occurred.

Mayor Pro Tem Holland moved, seconded by CM Gordon, to approve Ordinance #1053-2014. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE # 1054-2014** EXPANDING THE 2014-2015 FISCAL YEAR WATER FUND OPERATIONAL BUDGET BALANCE AN ADDITIONAL \$11,000 IN ORDER TO EXPEND FUNDS FOR THE UNPLANNED REPAIR TO THE CITY'S SEWER JET CLEANER

PWD Hatley requested to replace a broken sewer pump on the sewer jet machine by converting it over to a new pumping system.

CM Scott moved, seconded by CM Butler, to approve Ordinance #1054-2014 expanding the 2014 budget an additional \$11,000 for the City's sewer jet cleaner. All voted "Aye."

STAFF REPORTS:

18. **STAFF REPORT ON SUBSTANDARD PROPERTIES:**

CEO Jones gave updates on the following substandard properties:

- 604 FRONTIER – No change in the property condition. CS Gregory reported that this property should go for sale at the court house for delinquent taxes in February. COE Jones reported an active code violation that will be abated by the City and another lien placed on the property.
- 933 CARONDOLET – Active electrical, mechanical and plumbing permits with continual progress.
- 5008 SHERWOOD – Refer to agenda items 13 and 14.
- 4412 LAWRENCE – Council had extended the certificate of occupancy. No permits.
- 5100 TULANE – Council had extended the certificate of occupancy. No permit.
- 1121 CAMBRIDGE – Council had extended the requirement to obtain a certificate of occupancy and change the water account.
- 5516 N. SCHILDER – All permits have expired. Must get new permits. Substantial progress.
- 1709 LONG AVE. – No change. Will enforce with certificate of occupancy.
- 817 WALTER DR. – No change. Will enforce with certificate of occupancy.
- 1202 BANKS – No change. Will enforce with certificate of occupancy.
- 5008 PENROD CT. – Ownership has changed. Will enforce with new owner.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

19. 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 reported that officers had saved the life of citizen by administering CPR until MedStar arrived.

PC Carter reported that officers responded to a car fire which turned out to be a smoldering ashtray.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

23. 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.

24. 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.

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

No discussion occurred.

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

James Myrick showed photos of the River Oaks float in the Fort Worth Parade of Lights. Mr. Myrick stated that in order to obtain quality entrants the parade planning should begin sooner.

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

No discussion occurred.

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

No discussion occurred.

29. 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.

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

No discussion occurred.

PUBLIC FORUM:

31. 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.**

CS Gregory read a letter of appreciation from the City of Sansom Park to the Fire Department.

Mayor Pro Tem Holland verified with staff that houses without water service are monitored for substandard conditions.

Mayor Pro Tem Holland reported a successful MPS event.

CM Gordon apologized for missing the Fun Run event due to a family milestone event on the same day.

CM Gordon thanked CM Butler for her assistance with the Fun Run.

Mayor Pro Tem Holland gave a reminder of the banquet on Friday.

Mayor Earwood announced that he and his wife are in the process of adopting their grandchildren.

EXECUTIVE SESSION:

32. 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 compliant or charge against an Officer or Employee.
- Section 551.076 Deliberation regarding security devices

[Refer to agenda item 9.]

RECONVENE:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

[Refer to agenda item 9 for action taken following executive session.]

ADJOURN:

34. ADJOURN

At 9:54 p.m. CM Gordon moved, seconded by Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary