

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 24, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
DEPUTY POLICE CHIEF CHUCK STEWART
BUILDING INSPECTOR STEVE SANDERS
CITY ATTORNEY BETSY ELAM
EMERGENCY MGT JAMES MYRICK
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
EDC COORDINATOR PATRICIA WARD

ABSENT:

NONE

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, April 24, 2018 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:

- Theda Jones on her 100th Birthday

Mayor Earwood did not read the Proclamation since it was presented at her birthday party.

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. APPROVE MINUTES OF APRIL 10, 2018 REGULAR CALLED MEETING
- B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING APRIL 24, 2018 (FY 2018)
- C. APPROVE RESIGNATION OF JEANETTE WINTER, LIBRARY DIRECTOR
- D. APPROVE RESIGNATION OF JUAN RIVAS, PUBLIC WORKS EMPLOYEE

- E. APPROVE RESIGNATION OF PAT ALEXANDER FROM THE STORM WATER TASK FORCE
- F. APPROVE RESIGNATION OF CONNIE ADAMS FROM THE ZONING BOARD OF ADJUSTMENTS
- G. APPROVE EDC 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2018)
- H. APPROVE CCPD 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2018)
- I. APPROVE STORM WATER FUND 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2018)
- J. APPROVE 2ND QUARTER INVESTMENT REPORT (JAN 1-MARCH 31, 2018)

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the Consent Agenda items #A-J. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 RESOLUTION #925-2018 FOR SPECIAL EVENT PERMITTING TO HOLD AN OUTDOOR EVENT AT IRMA MARSH MIDDLE SCHOOL AS PRESENTED BY JASON MARTINEZ OF CISD.

Jason Martinez with CISD was present. This is the 4th Annual Cinco De Mayo Festival at Irma Marsh Middle School that will be held on May 4th, 2018 from 5:30 pm – 7:30 pm.

CM Holland moved, seconded by CM Scott to approve Resolution #925-2018. All voted "Aye".

PUBLIC HEARINGS AND ACTION FROM PUBLIC HEARINGS:

8. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION ON PROPERTY LOCATED AT 621 OAKLAWN AND SPECIFICALLY PERTAINING TO THE STRUCTURE LOCATED ON THE REAR OF THE PROPERTY.

Mayor Earwood opened the Public Hearing at 7:09 pm.

Mark Taylor, son of the owner, was present. Pictures were presented. The rear accessory building was denied by the Zoning Board of Adjustments. This building faces Barbara Road. Mark Taylor lives in the main structure and would like to fix the accessory building up and use it as an office. This building does not meet the required setbacks. If the accessory building is being used as an office, it cannot be detached from the main structure which it is. If the accessory building is demolished and rebuilt, the new building will have to meet the required setbacks.

At 7:29 pm, Mayor Earwood closed the Public Hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 621 OAKLAWN (REAR STRUCTURE) 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 Butler moved, seconded by CM Chisholm that the City Council finds that the building located at 621 Oaklawn (rear dwelling unit) 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 is infeasible of repair; and therefore order the owner to demolish or remove the building and all debris within 30 days and the lienholder or mortgagee to within an additional 30 days if the owner does not comply; and 3) if the owner fails to demolish or remove the building within 30 days and the lienholder or mortgagee to within an additional 30 days if the owner does not comply, the City shall demolish the building at its expense and place a lien on the property to recover its costs. CM Butler, CM Chisholm, CM Scott, CM Holland voted "Aye". Mayor Pro Tem Ashton voted "Nay". Motion passed.

10. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1101 OXFORD ST.

Mayor Earwood opened the Public Hearing at 7:31 pm.

A substandard checklist and a slide show were presented. The owner is currently in a nursing home and this house has been vacant for about two years. There has been no contact with the estate. The City has been mowing this property for about a year and has been placing mowing liens on the property. There is no mortgagee on this property and the property taxes are current.

At 7:30 pm, Mayor Earwood closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1101 OXFORD 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.

Mayor Pro Tem Ashton moved, seconded to CM Butler that the City Council finds that the building located at 1101 Oxford based on evidence presented at the hearing, it 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 owner has been given an opportunity in the past to make necessary repairs, and there is not 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 1101 Oxford be demolished and the debris removed from the property within 30 days and the lienholder or mortgagee to within an additional 30 days if the owner does not comply; and 3) if the owner fails to demolish or remove the building within 30 days and the lienholder or mortgagee to within an additional 30 days if the owner does not comply, the City shall demolish the building at its expense and place a lien on the property to recover its costs. All voted "Aye".

The demolition order will state for them to contact the city within 30 days to remove any personal property.

12. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1617 HILLSIDE DR.

Mayor Earwood opened the Public Hearing at 7:42 pm.

Lisa Catlin, Realtor, whom was contacted by the owner, was present. A slide show was presented. This house has been cleaned out, formally appraised at \$55,000, and is ready to list as a cash purchase only. The yard is being maintained. This house has been vacant since last year.

At 7:57 pm, Mayor Earwood closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1617 HILLSIDE 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.

CM Scott moved, seconded by CM Holland that the City Council finds that the building located at 1617 Hillside 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 45 days and the lienholder or mortgagee to within an additional 30 days if the owner does not comply; and 4) the board orders that 30 day progress inspections be made by the City Inspector and be reported to the board prior to the order being reconsidered to be amended and additional time given by the board; and 5) 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 within 45 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 45 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 45 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building may be demolished; and 6) 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. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF THE MID-YEAR FY 2017-2018 OPERATIONAL CITY BUDGETS AS PRESENTED BY THE CITY SECRETARY AND APPROVAL OF ORDINANCE #1182-2018 AMENDING THE FY 2017-2018 FISCAL YEAR BUDGETS.

The General Fund Projected Revenues collected are 52.03%, and the Expenditures are 48.49%. The Water Sewer Fund Projected Revenues collected are 45.14%, and the Expenditures are 41.62%. We were able to move moneys around in a lot of the departments. Requested is \$49,688.00 in amendments in General Fund and \$28,761.00 in amendments in the Water Sewer Fund.

Mayor Pro Tem Ashton moved, seconded by CM Scott to approve Ordinance #1182-2018. All voted "Aye".

15. CONSIDER APPROVAL OF ORDINANCE #1183-2018 TO TRANSFER FUNDS FROM THE PARK DOLLAR DONATION FUND INTO PARK ACCOUNT #01-524-5198 "CONTRACT LABOR" FOR UNPLANNED EXPENDITURES ON PARK PROPERTY.

This item is postponed until the Park Board can meet and approve the transfer first.

16. CONSIDER APPROVAL OF RESOLUTION #927-2018 FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE §25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED.

CM Holland moved, seconded by CM Butler to approve Resolution #927-2018. All voted "Aye".

STAFF REPORTS:

17. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1101 OXFORD-Public Hearing tonight.
- 1617 HILLSIDE-Public Hearing tonight.
- 606 WORTHVIEW-completed work. Notices have been sent for civil penalties.
- 4908 ALMENA-actively working on it.
- 621 OAKLAWN (4721 BARBARA RD)-Public Hearing tonight.
- 1605 MONTROSE -will be brought back for Public Hearing.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

18. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, REPSONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

Police Chief Spieldenner had Deputy Police Chief Stewart mention that the Police Department budget was spot on.

19. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.

The Open House will be rescheduled for some time in October 2018.

20. **INPSECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

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

22. **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

23. **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

PWD Smith presented a slide show of the Clarifier Treatment Unit Rehab Project. Also briefly explained were the filters.

This Thursday is a pre-construction meeting for the sewer. Contractor has said Phase 1 is given a year to complete, but said he will be done in 3-4 months with three crews working on this project. The laying of the sewer pipe should start next week.

The laying of the water pipe should start mid-June.

PWD Smith thanked the city for their support during this difficult time and thanked the city for the flowers that were sent to his dad's funeral.

24. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

25. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

26. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX

27. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT.

28. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

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

CS Gregory read correspondence: Thank you from the Gordon Smith family for the flowers and a Thank you from the Alliance for Children for the city's support.

PUBLIC FORUM:

30. 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**

EMC Myrick-need to put thoughts and prayers to the Dallas Police Department. Two of their officers where shot.

Mayor Pro Tem Ashton-nice 100th birthday party for Theda Jones.

CM Chisholm-CHS Band had a good turnout. Shout out to Girl Scout Troop 2521 for their clean up at Heritage Park.

CM Holland-the house at Merritt and Barbara was demolished today and another house will be built on the property.

CS Gregory-Car Show is May 5th, 2018.

Mayor Earwood-Fire Department has cancelled their Open House due to the weather.

EXECUTIVE SESSION:

31. 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:

- 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.

RECONVENE:

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


NONE

ADJOURN:

33. ADJOURN

At 8:50 p.m. CM Holland moved, seconded by CM Scott, to adjourn the meeting. All voted "Aye".

APPROVED:


Joe Ashton, Mayor Pro Tem

ATTEST:


Marvin Gregory, City Secretary