

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 8, 2015**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND (AT 7:14 P.M.)
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
EMC COORDINATOR JAMES MYRICK
CODE ENFORCEMENT OFFICER JUSTIN WOODALL
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
PUBLIC WORKS ADMIN SECRETARY CASSANDRA CURRY
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, December 8, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

It was announced that Mayor Pro Tem Holland would arrive late.

2. INVOCATION

CM Ashton delivered the Invocation.

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

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

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

- HONORING CHARLES DUKE

Mayor Earwood announced that this proclamation honoring Charles Duke was read at a previous event.

Mayor Earwood recognized CM Ashton who will be graduating from the University of Alabama.

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 24, 2015 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING DECEMBER 8, 2015 (FY 2016)

C. APPROVE CERTIFICATION PAY AGREEMENTS PURSUANT TO RESOLUTION # 710 WITH SUSAN STEWART, STEVE SANDERS, LOURDES TORRES, ANA JUAREZ, MIRIAM MORENO & BELINDA HERNANDEZ.

D. APPROVE EMPLOYMENT CONTRACTS WITH SHIRLEY BLOOMFIELD, SHIRLEY WHEAT & JOHN GIBBS.

CM Butler moved, seconded by CM Scott, to approve the consent agenda items A through D. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 ROSS VAUGHAN AT 1709 MELBA CT. REQUESTING AN EXTENSION TO UPGRADE ELECTRICAL SERVICE

Ross Vaughan was present but did not speak.

Inspector Sanders recommended 90-days to obtain an approved certificate of occupancy with 30-day progress checks due to the expense of upgrading the electrical system.

CM Ashton moved, seconded by CM Butler, to approve the request by Ross Vaughan at 1709 Melba Court requesting an extension to upgrade the electrical service in the amount of 90-days per the recommendation of the building inspector.

Mayor Earwood explained to Mr. Vaughan that if progress is made, the inspector can request an extension on his behalf.

All voted "Aye."

8. CONSIDER APPROVAL OF REQUEST BY RANDY BOND AT 1162 MERRITT ST. REQUESTING A 6-MONTH EXTENSION TO BRING HOUSE INTO COMPLIANCE WITH THE CERTIFICATE OF OCCUPANCY REQUIREMENTS

A representative was not present.

Inspector Sanders stated that the certificate of occupancy has been approved and the owner will permit a roof after the first of the year. Sanders reported that the roof is structurally sound.

No action was taken.

9. CONSIDER APPROVAL OF **RESOLUTION # 848-2015** APPROVING THE SALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE

CS Gregory stated that a bid has been received in the amount of \$4,500. CS Gregory reviewed the financials which would result in a total of \$782.59 to be received by the City. CS Gregory added that there is approximately \$6,000 in liens which were executed prior to the date the property was struck off.

Royce Martin and the purchasing manager for Avocet Ventures requested information as to the process to purchase properties such as these. Mr. Martin was instructed to contact the new tax attorney.

CM Gordon moved, seconded by CM Ashton, to deny Resolution #848-2015. All voted "Aye."

10. CONSIDER COUNCIL APPROVAL TO CAST THEIR VOTES TO ELECT ONE REPRESENTATIVE FROM THE SUBURBAN JURISDICTIONS TO THE MEDSTAR BOARD OF DIRECTORS

CS Gregory presented the nominees as DanO Strong and Steve Tatum with Steve Tatum being the preference of the selection committee.

CM Ashton moved, seconded by CM Gordon, that following the advice of staff the City's vote be cast for Steve Tatum as representative for the MedStar Board of Directors. All voted "Aye."

11. CONSIDER APPROVAL OF CONSENT FORM THE CITY OF RIVER OAKS RECEIVED FROM AMERICAN TOWER REGARDING THE GROUND LEASE SUBLEASE AND LEASEBACK FOR THE VERIZON TOWER LOCATED AT SITE ADDRESS 4900 RIVER OAKS BLVD., RIVER OAKS, TX, 76114

CA Elam explained that Verizon is contracting with this company to handle the lease. CA Elam stated that this is a power of attorney which gives this company the right to act for Verizon. CA Elam verified that this does not change any of the conditions of the lease which expires in 2021. CA Elam stated that the only difference would be that this company must be notified of any actions regarding this property.

CM Gordon moved, seconded by CM Scott, to approve for the Mayor to sign a form for American Tower regarding the ground lease sublease and leaseback for the Verizon Tower located at 4900 River Oaks Boulevard. All voted "Aye."

12. CONSIDER APPROVAL OF RIGHT-OF-WAY EXCAVATION & DEVELOPMENT PERMIT WITH MOBILITIE LLC FOR TELECOMMUNICATIONS TO BE INSTALLED IN THE 5300 BLOCK OF RIVER OAKS BLVD.

CS Gregory explained that this project which started as just a pole is actually a 120-foot tower right in the TXDOT right-of-way. CS Gregory presented the recommendation of the city engineer to deny the request based on the location possibly being in the TXDOT right-of-way and the close proximity to the intersection which may create a traffic issue. CS Gregory added that if it is actually in the city right-of-way a special use permit would be required.

CM Gordon moved, seconded by CM Ashton, to deny the right-of-way excavation and development permit with Mobilite LLC. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING CONTINUED FROM NOVEMBER 24, 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 November 24, 2015.

Adam Nunnallee, Attorney for Dykema Cox Smith representing Deutsche Bank, stated that the negotiation with the neighbor to purchase the property is within a few hundred dollars of reaching an agreement. Mr. Nunnallee presented the request of the purchaser to waive the liens placed on the property by the City.

At 7:25 p.m. the public hearing was closed.

14. 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

Mayor Pro Tem Holland verified with Inspector Sanders that photos were presented at the previous hearings. Council Members discussed waiving the liens, the demo fee, or the substandard fee.

CM Ashton moved, seconded by CM Gordon, that the City Council find that the building located at 622 Oaklawn Drive 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, and/or safety of the public (and occupants of the buildings 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; and 4) if in the time of this order the building is torn down by the owner or lienholder that the permit fee for the demolition permit fee be waived.

Inspector Sanders reviewed the violations as structural, plumbing, electrical with no intention to rehab the house. Sanders recommended the structure be demolished; stating that in his opinion, the structure in its present condition may jeopardize the health, safety and general

welfare of the general public and of any occupants therein. Sanders verified the structure is hazardous.

All voted "Aye."

Staff will obtain current quotes to demolish the structure.

15. ADMINISTRATIVE HEARING CONTINUED FROM NOVEMBER 24, 2015: 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 **4900 ALMENA RD.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES

This public hearing is still open and continued from November 24, 2015.

Inspector Sanders reported that an updated title search has verified that the property has been in the name of a minor since 2013. Sanders recommended the assessment of civil penalties in the amount of \$10 per day.

CA Elam mentioned Chapter 54 as another vehicle to obtain compliance in addition to Chapter 214. CA Elam explained that Chapter 54 allows district court to order the property to be brought into compliance or to allow the city to demolish the structures. CA Elam stated that the City could proceed with the assessment of civil penalties which are enforced through district court. CA Elam stated that an ad litem attorney would probably not be required and suit could be filed against the minor child, the estate, and the guardian of the minor child. CA Elam recommended amending the order to demolish the house. Inspector Sanders stated that the house is feasible of repair. Sanders reported liens of approximately \$2,000. Sanders reported that the house has been vacant for 15 years.

At 7:47 the public hearing was closed.

16. ACTION FROM ADMINISTRATIVE HEARING: CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT **4900 ALMENA RD.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE

CM Gordon moved, seconded by CM Ashton, that the Board find that the Building located at 4900 Almena Road based on evidence presented at the Administrative Hearing of November 20, 2015 is in violation of the Substandard Building Order issued on July 16, 2015 from the July 14, 2015 public hearing that allowed Clinton Lynn Martin Estate until October 11, 2015 and the Lienholders of Record, if any, until November 10, 2015 to abate all Substandard Conditions and further move to find that: 1) the record property owners, Clinton Lynn Martin Estate have not provided proof that the property at 4900 Almena Road 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 by November 10, 2015; 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 pursuant to the July 14, 2015 Substandard Building Order as amended in the amount of \$10.00 per day and continuing each day that the property remains in violation and furthermore civil penalties shall continue un the amount of \$10 per day until all the actions under the substandard building order is released 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. And civil penalties are to begin on December 9, 2015. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **ORDINANCE # 1094-2015** AMENDING SEC. A.02.001 "ESTABLISHED GENERALLY" SPECIFICALLY UNDER A.02.001(a).3 WAIVING THE CONVENIENCE FEE CHARGE WHEN PERTAINING TO FEES COLLECTED BY AN ON-LINE PAYMENT SERVICE

CS Gregory explained that a \$4 flat fee was previously through RevTrac for online utility payments. CS Gregory stated that the new payment group collects a fee from the customer so the \$4 fee no longer applies.

CM Scott moved, seconded by Mayor Pro Tem Holland, to approve Ordinance #1094-2015 waiving the convenience fee charge when pertaining to fees collected by an online payment service. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 849-2015** DEFRAYING COSTS OF COLLECTION AS AUTHORIZED BY TEX. TAX CODE § 33.11 THAT THE CITY INCURS UNDER CONTRACT FOR COLLECTION OF DELINQUENT PROPERTY TAXES

Corey Fickes - representative for Linebarger, Goggan, Blair & Sampson, introduced Tina Mulholland – Tarrant Operations Manager. Mr. Fickes explained that Section 33.11 of the Tax Code covers the early turnover for business personal property. He stated that generally all taxes are turned over for delinquent collections by his firm as of July 1. In addition, Section 33.11 allows the turnover of business personal property 60-day after delinquency which puts it at April 1. Mr. Fickes stated that this provides protection for the City by looking for and reminding those who have not paid to pay quickly or be subject to enforcement through a

seizure warrant. CA Elam noted that most cities have approved this action. The fee is paid by the tax payer so there is no additional fee to the City.

CM Ashton moved, seconded by Cm Gordon, to approve Resolution #849-2015 defraying costs of collection as authorized by Texas Tax Code Section 33.11 that the City incurs under contract for collection of delinquent property taxes. All voted "Aye."

Tina Mulholland stated that she has obtained a copy of the contract in order for Tarrant County to release the City's data. Ms. Mulholland will run some reports and be prepared for the turnover on January 1, 2016.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

19. DISCUSSION AND/OR ACTION ON SCHEDULING A STRATEGIC PLANNING WORKSHOP IN JANUARY 2016

A workshop will be held at the Community Center on January 30, 2016 at 8:00 a.m.

No formal action was taken.

STAFF REPORTS:

20. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on some the following properties:

- 604 FRONTIER
- 5008 SHERWOOD
- 5008 PENROD CT.
- 603 HARRISDALE
- 4900 ALMENA RD.
- 1609 YALE ST.
- 5312 TAYLOR RD.
- 1213 CAMBRIDGE
- 4717 ALMENA RD.

- 1204 HARVARD
- 901 CHURCHILL – Sanders reported no contact and no inspections.
- 4829 KESSLER
- 5905 BLACK OAK – Sanders reported that notice has been sent for failure to commence with the repairs as ordered by the Council.
- 5909 BLACK OAK - Sanders reported that notice has been sent for failure to commence with the repairs as ordered by the Council.
- 622 OAKLAWN
- 1202 BANKS
- 1444 LONG
- 1425 BYRD – Sanders reported the demolition is scheduled to begin on Thursday.
- 1108 YALE – Sanders reported this property is in compliance with an approved certificate of occupancy.
- 1309 ROBERTS CUT OFF RD.
- 1311 ROBERTS CUT OFF
- 1605 NANCY LANE
- 5411 PURDUE
- 619 HARRISDALE

Sanders stated that the initial certificate of occupancy inspection at 1505 Greenbrier has resulted in the property being declared substandard.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

21. **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 announced that officer Nathan Wilson is now a detective.

No action was taken.

22. **FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

25. **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.

26. **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**

Mayor Earwood announced the changes in the public works department due to the retirement of James Hatley. The position of public works director will not exist. Fabian Neathery will perform the duties of public works superintendent and Cassandra Curry will be the public works secretary.

No action was taken.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

31. **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.

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

No discussion occurred.

PUBLIC FORUM:

33. 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**

Mayor Earwood announced the City Employee Banquet on Friday.

CM Butler gave a reminder of the community luncheon on December 15, 2015 at noon.

Mayor Pro Tem Holland suggested a discussion on January 12, 2016 on the topics of the upcoming workshop planned for January 30, 2016 specifically related to possible bond needs for street repairs.

CM Ashton thanked the employees as he will be out of town Friday at his graduation and will miss the banquet.

CM Gordon thanked the many volunteers and donors who helped make the Fun Run a success. CM Gordon announced a \$1000 donation from Quik Trip to support of the Fun Run.

CM Gordon announced that she would miss the employee banquet on Friday to attend tax training.

EXECUTIVE SESSION:

34. 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:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

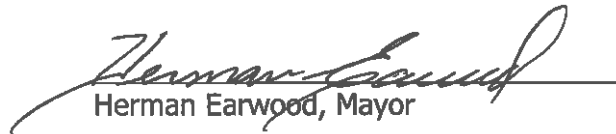
No action was taken.

ADJOURN:

36. ADJOURN

At 8:29 p.m. CM Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary