

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 11, 2015**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER BRUCE SCOTT (VACATION)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
FIRE CHIEF RUSSELL SHELLEY
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, August 11, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

It was announced that CM Scott is on vacation.

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

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 JULY 27, 2015 COMMUNITY FORUM

B. MINUTES OF JULY 28, 2015 REGULAR COUNCIL MEETING & AUGUST 4, 2015 SPECIAL CALLED COUNCIL MEETING

C. RATIFY BILLS PAYABLE FOR PERIOD ENDING AUGUST 11, 2015 (FY 2015)

D. APPROVE RESIGNATION OF ROSA FLORES, COURT CLERK

E. APPROVE RESIGNATION OF KIRBY BRENNER AS PLACE 2 MEMBER OF LIBRARY BOARD

- F. APPROVE BECKY NEELY AS THE PLACE 2 MEMBER APPOINTEE TO THE LIBRARY BOARD
- G. APPROVE CONTRACT EXTENSION WITH CITY OF FORT WORTH OF INTERLOCAL AGREEMENT FOR PARTICIPATION IN HOUSEHOLD HAZARDOUS WASTE PROGRAM
- H. APPROVE HIRING OF CASSANDRA CURRY IN THE PUBLIC WORKS DEPARTMENT AS RECOMMENDED BY MAYOR

CM Butler moved, seconded by Mayor Pro Tem Holland, to approve the consent agenda items A, B, C, D, E, F, G and H. All voted "Aye."

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

SPECIAL ACCOMMODATIONS AND RECOGNITIONS:

- 7. SPECIAL RECOGNITION AND APPROVAL REGARDING THE RETIREMENT OF CARLA WRIGHT AS DETECTIVE IN THE RIVER OAKS POLICE DEPARTMENT PRESENTED BY POLICE CHIEF AVIN CARTER

PC Carter announced a retirement reception for Carla Wright on August 28, 2015 from 5:00 p.m. until 7:00 p.m. at the Community Center.

- 8. SPECIAL RECOGNITION OF BATTALION CHIEF TIM MOEHLMAN, FIREFIGHTER AARYN MALONEY, AND FIREFIGHTER MAT HONKUS FOR FIELD DELIVERY OF A CHILD

FC Shelley recognized Tim Moehlman, Aaryn Maloney (both absent), and Mat Honkus (in attendance) for the professional skill and compassion they displayed while insuring the uncomplicated delivery of a healthy baby boy in the early morning hours of July 8, 2015. FC Shelley awarded them with certificates and stork pins for their involvement.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

- 9. CONSIDER APPROVAL OF REQUEST BY FIRE CHIEF RUSSELL SHELLEY ON PURCHASE OF NEW FIRE ENGINE AND AUTHORIZING FIRE CHIEF TO PROCEED WITH PURCHASE

FC Shelley requested authorization to place the order for a new fire engine as discussed in the previous budget process. The new engine will replace a 1997 engine at a cost of \$449,974. FC Shelley added that this item would be funded from the reserve account in the next fiscal budget year. Mayor Pro Tem Holland relayed the support of the finance committee and the recommendation of CM Scott to proceed with the purchase. FC Shelley mentioned a possible grant from the Department of State Health Services for some of the loose equipment which is included in this price. FC Shelley stated that he anticipates a response on the grant by October 1, 2015. The grant would cover at 50% or \$8,500 of the cost of the equipment which is priced

at \$17,000. FC Shelley explained that the discount for paying cash in advance (approximately \$10,000) is not as advantageous as paying the total upon delivery of the truck next spring or early summer.

Mayor Pro Tem Holland moved, seconded by CM Gordon, to authorize the Chief to place the order for a Spartan Pumper on Metro Star chassis, painted red, not to exceed \$449,974 that will be paid out of the reserve funds in the next fiscal year. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON IMPLEMENTING A RESIDENTIAL LOCK BOX PROGRAM FOR RIVER OAKS RESIDENTS AND AUTHORIZING THE FIRE CHIEF TO START PROGRAM ON OCTOBER 1, 2015

FC Shelley recommended considering the implementation of a residential lock box program to accommodate the increasing number of elderly, disabled and special needs residents who regularly need public assistance. The citizen would complete an application and pay the fee for the punch button box of approximately \$30. The fire department would install and program the lockbox. It was recommended that the program be promoted on the City website, at the Community Center and the Lion's Club. FC Shelley proposed purchasing several of the lockboxes in advance for quicker installation. Discussion occurred related to the ability of some citizens to pay the cost of the box with several solutions suggested. BI Sanders replied to an inquiry related to potential concerns of privacy and safety, stating that the Fire Department has and will continue to educate the citizens on who will have access to the keys inside the boxes. FC Shelley stated that he would bring any concerns related to inability to pay to the Council if the necessity arises for further assessment.

CM Gordon moved, seconded by CM Butler, to approve the implementation of a residential lock box program for River Oaks residents and authorize the fire chief to start the program on October 1, 2015. The cost of the lock box will be incurred by the citizen and at the discretion of the Fire Chief as to the number needed prior to October 1, 2015. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON COMPLAINT BY **SCOTT O'BARTO AT 1505 GREENBRIER** PURSUANT TO SECTION 13.02.037 "DISCONNECTION OF UTILITY SERVICE" OF THE RIVER OAKS CODE

Scott O'Barto, property owner and water account holder for 25 years, stated the payment his mother attempted to make on approximately the 26th was refused. Mr. O'Barto expressed his confusion on the time frame from the date the water was turned off until the account was closed. Mr. O'Barto further expressed his concern that he now has to pay a higher deposit and get an inspection in order to restore his water service. Mr. O'Barto stated that he did not receive any notice that his account would be finalized. Mr. O'Barto stated that the water department "blew the line out" when it was re-connected the month before which the City has offered to repair. CM Holland mentioned the lack of maintenance at this property to which Mr. O'Barto agreed that the house is in need of a roof and some paint. CS Gregory explained the time line from the cut-off date to the account closure, verifying that staff had followed the proper procedure. CS Gregory explained that a high risk deposit is now required along with payment for the past due amount on the closed account and a Certificate of Occupancy is required. CS

Gregory and PWD Hatley stated that they had no knowledge of the offer from the City to repair the water line. CS Gregory recalled the situation being that the City would consider paying for the repair if it was determined to be the fault of the City. BI Sanders cited exterior maintenance issues including rotten wood on the eaves and soffits, high grass, paint and windows. Council Members discussed allowing the past due water account balance to be paid through a payment plan. Mr. O'Barto agreed that he could pay the higher deposit and inspection fee with the past due balance to be paid through a payment contract.

CM Ashton moved, seconded by CM Butler, to authorize staff to work out a payment plan with Scott O'Barto at 1505 Greenbrier, that the deposit, the re-connect and Certificate of Occupancy fees be required to be paid up front, with the remainder could be worked out on a payment plan with staff at staff's discretion up to 6-months and the current water bill being paid. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON CONTRACTING TO INSTALL SIDING ON THE COMMUNITY CENTER BUILDING AS PRESENTED BY PUBLIC WORKS DIRECTOR JAMES HATLEY

Mayor Earwood mentioned that although the quotes include hardi-board, this material is not allowed on a commercial building without changing the ordinance. Mayor Earwood requested that BI Sanders and PWD Hatley meet with the contractor who submitted the quote to finish the project for \$4,650, verify competency and then the decision will be made. Mayor Pro Tem Holland questioned the zoning of the Community Center stating that the City may be exempt from the regulations which prohibit hardi-board. PWD Hatley mentioned that this contractor does not have references but will submit some and they will be verified.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1213 CAMBRIDGE ST.**

At 7:56 p.m. the public hearing was opened.

BI Sanders stated that a new owner had initiated a Certificate of Occupancy which was not approved for move-in. Sanders referenced the photos provided to the Council which were obtained by execution of an administrative search warrant on August 6, 2015. Sanders cited inadequate maintenance, structural, plumbing, and electrical violations. CM Butler noted that it appeared as if someone may be living in the back structure since cars are in the drive way. Sanders confirmed that both the main structure and the back structure are vacant and the cars belong to a neighboring property. Mayor Pro Tem Holland questioned whether the double locks had been removed from the requirements. Sanders and CS Gregory confirmed that this requirement may have been removed from the Certificate of Occupancy but remains on the substandard requirements. Sanders stated that the structure is not feasible of repair and recommended the structure be demolished if not repaired within 89-days. It was reported that there is a pending lawsuit between the new owner and the previous owner.

At 8:03 p.m. the public hearing was closed.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1213 CAMBRIDGE ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLORING 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 made the following motion, "I move that the City Council find that the building located at 1213 Cambridge 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 building is feasible of repair; and therefore order 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 3) the board orders commencement of repairs within 30-days has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) 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 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 that if the building is not repaired within 89 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 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) 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."

Mayor Earwood suggested the order state that it is not feasible of repair however if the owner feels it is feasible of repair then give them the opportunity to repair. CM Ashton stated that in order to allow the 89-days of opportunity to repair, the structure should be deemed feasible of repair. CS Gregory mentioned a checklist of criteria which deems a property infeasible of repair. CA Elam agreed that the motion covers the intention of the Council and the building inspector.

CM Butler seconded the motion. All voted "Aye."

15. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **4717 ALMENA RD.**

At 8:08 p.m. the public hearing was opened.

BI Sanders referenced the photos provided to the Council which were obtained by execution of an administrative search warrant on August 7, 2015. Sanders cited structural, plumbing, and electrical violations. Sanders reported no contact from the bank since June 2015 and the

property is currently for sale. Sanders stated that the property is substandard and feasible of repair.

At 8:13 p.m. the public hearing was closed.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4717 ALMENA RD.** 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 4717 Almena Road based on evidence provided 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 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 3) the board orders commencement of repairs within 30-days has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) 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 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 that if the building is not repaired within 89 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 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaled until all substandard fees are paid in full; and order that the property be boarded up and secured as staff sees fit." Motion seconded by CM Gordon. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **ORDINANCE # 1080-2015** AMENDING THE 2014-2015 FISCAL YEAR GENERAL FUND BUDGET BY APPROVING EXPENDITURES TO REPAIR THE CITY SWEEPER

PWD Hatley requested \$18,346.31 to repair the street sweeper.

CM Gordon moved, seconded by CM Butler, to approve Ordinance #1080-2015 amending the 2014-2015 fiscal year general fund budget by approving expenditures to repair the city sweeper in the amount of \$18,346.31. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 837-2015** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE) OF THE CITY OF RIVER OAKS; UPDATING THE INVESTMENT POLICY IN ACCORDANCE TO THE PUBLIC FUNDS INVESTMENT ACT

CS Gregory presented the Investment Policy with one legislative change decreasing the number of hours of required training from 10 hours to 8 hours, the addition of a liquidity policy as recommended by the auditor and the minimum collateral coverage of 102%.

Mayor Pro Tem Holland moved, seconded by CM Butler, to approve Resolution #837-2015. All voted "Aye."

NEW ITEMS FOR DISCUSSION:

19. DELINQUENT TAX COLLECTIONS CONTRACT AS REQUESTED BY COUNCILMAN JOE ASHTON

CM Ashton initiated a discussion related to the amount of time it takes the current delinquent tax firm to complete the process through the County once approved by the City Council. CM Ashton added that he works with another firm through his employment which seems to complete the process in a timelier manner. CM Ashton stated that he, CS Gregory, and Mayor Pro Tem Holland had met with this other firm. Mayor Pro Tem Holland confirmed that the other firm does not have knowledge of the changes and difficulties described by the current firm and the current relationship may not be as solid as in previous years. Mayor Earwood appointed CS Gregory, CM Ashton, and Mayor Pro Tem Holland to meet with both firms and bring a recommendation to the Council.

No action was taken.

20. UPGRADE OF THE CITY OFFICES PHONE SYSTEM WITH NEC SL 1100 DIGITAL PHONE SYSTEM

CS Gregory stated that the phone system service is displaying an error of virtual low memory which causes a concern of system failure. CS Gregory stated that the 18 year old system will be defragmented in an attempt to extend the system life. Staff will report to the Council with additional information on the current system issues and information on a new system.

No action was taken.

PUBLIC FORUM:

21. 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**

PC Carter stated that there are 3 vacancies in the Police Department with 12 applicants being tested and interviewed.

Mayor Earwood stated that City Engineer Bill Lohrke who is a retired police chief may volunteer in the police department.

CM Butler stated that approximately 53 new teachers were welcomed at the luncheon.

Mayor Earwood reported that Dr. Bengali may sell his building.

EXECUTIVE SESSION:

22. 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:

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

None called for.

RECONVENE:

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

24. ADJOURN

At 8:45 p.m. CM Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor