

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 12, 2016**

MEMBERS PRESENT:

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
PC AVIN CARTER
EMC COORDINATOR JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SECRETARY CASSIE CURRY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

MEMBERS ABSENT:

MAYOR HERMAN EARWOOD

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Holland called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, April 12, 2016 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.

Mayor Pro Tem Holland announced that he would preside over this meeting in the absence of Mayor Earwood.

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

- RECOGNITION OF RON TOVAR'S COMMUNITY SERVICE TO THE CITY

Mayor Pro Tem Holland stated that the certificate of recognition was read and presented to Ron Tovar at the Zoning Board of Adjustments meeting in honor of his many years of service on that board as well as his many years of involvement with the schools and the community.

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 MARCH 22, 2016 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING APRIL 12, 2016 (FY 2016)

C. APPROVE CORRECTED **RESOLUTION 853-2016** ADOPTED AS RESOLUTION 852-2016 ON MARCH 22, 2016.

D. APPROVE RESIGNATION OF RON TOVAR AS THE PLACE 2 MEMBER AND VICE-CHAIRMAN OF THE RIVER OAKS ZONING BOARD OF ADJUSTMENTS.

E. APPROVE RECOMMENDATION FROM ZBA FOR VICE-CHAIRMAN AND PLACE 2 MEMBER APPOINTMENTS TO THE BOARD.

Mayor Pro Tem Holland announced that item E would be removed from the consent agenda and would be considered in June when the board appointments are generally presented.

CM Gordon moved, seconded by CM Butler, to approve the consent agenda items A, B, C and 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. DISCUSSION AND/OR ACTION DISCUSSION ON REQUEST SUBMITTED BY SHARON GONZALEZ FOR THE CONSTRUCTION OF SIDEWALKS ON HARRISDALE, STEVENS AND CHURCHILL INCLUDING IRMA MARSH MIDDLE SCHOOL AND CASTLEBERRY HIGH SCHOOL

A representative was not present. Mayor Pro Tem Holland stated that this is the second request for this item to be on the agenda. Mayor Pro Tem Holland stated that Mayor Earwood has directed the Police Chief and CS Gregory to assess the situation and obtain quotes for the portion of the sidewalk along Churchill.

No action was taken.

8. CONSIDER APPROVAL OF **RESOLUTION #854-2016** FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CINCO de MAYO FESTIVAL AT IRMA MARSH MIDDLE SCHOOL AS REQUESTED BY JASON MARTINEZ

A representative was not present.

No discussion occurred.

CM Scott moved, seconded by CM Butler, to approve Resolution #854-2016. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON RECOMMENDATION BY THE PARKS BOARD TO THE CITY COUNCIL AUTHORIZING SHIRLEY WHEAT TO MANAGE THE HERITAGE PARK VOLUNTEER WORK PROGRAM INCLUDING SUBMITTING PROJECT APPLICATION WITH LOWE'S HOME IMPROVEMENTS FOR PARK IMPROVEMENTS

CM Ashton presented the recommendation of the Park Board to allow Shirley Wheat to manage a volunteer program at Heritage Park. CM Ashton added that the details are minimal at this time however, Lowe's has agreed to supply some needed items.

CM Butler moved, seconded by CM Scott, to allow Shirley Wheat to be the manager of the Heritage Park volunteer group and to participate with Lowe's on Heritage Park and any other park they will do. All voted "Aye."

10. CONSIDER APPROVAL OF FINAL DOCUMENT, ATTACHMENTS AND TO MAKE THE INITIAL DEPOSIT FOR THE MAY 7, 2016 CONTRACT/JOINT ELECTION AGREEMENT WITH TARRANT COUNTY ELECTIONS

Mayor Pro Tem Holland explained that Tarrant County will administer the municipal election for the cost of approximately \$5000.

CM Gordon moved, seconded by CM Ashton, to approve the final document, attachments and to make the initial \$3,500 deposit for the May 7, 2016 contract/joint election agreement with Tarrant County Elections. All voted "Aye."

11. CONSIDER APPROVAL OF AGREEMENT WITH HACH FOR INSTRUMENTATION TESTING AT THE WATER PLANT

CS Gregory explained that Hach will calibrate the water plant's instrumentation.

CM Gordon moved, seconded by CM Butler, to approve the agreement with Hach for instrumentation testing at the water plant. All voted "Aye."

12. CONSIDER APPROVAL TO AUCTION CITY VEHICLES RETIRED FROM THE CURRENT FLEET

CS Gregory requested to auction four vehicles that have been taken out of service. PC Carter explained that one of those vehicles is a Crown Victoria which would be costly to repair. CS Gregory stated that Lone Star would administer the auction.

CM Gordon moved, seconded by CM Ashton, to approve to auction city vehicles from the current fleet. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1203 YALE ST.**

At 7:17 p.m. the public hearing was opened.

BI Sanders showed photos taken on April 5, 2016 and cited structural, electrical and plumbing violations. Sanders reported that the new owner has been working under a six month order of

the building official and is requesting additional time to complete the repairs. BI Sanders stated that an electrical permit was just issued which staff gave an expiration date of today. BI Sanders reported that plumbing and building permits must also be reissued. BI Sanders recommended allowing 89-days to repair with 30-day progress checks. BI Sanders reported new windows and new siding have been installed.

Lizbeth Gomez and Juan Gomez, 2911 NW 27th Street, requested 3 months to complete the repairs now that they have secured the funding. They confirmed this is an investment property.

It was requested that the brush and debris be removed as quickly as possible. Ms. Gomez stated that the brush would be removed once the ground dries up from the rain.

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

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1203 YALE 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

CM Ashton mentioned waiving the substandard fee. CS Gregory stated that the fees are assessed to cover the cost of publications and notifications.

CM Butler made the following motion "I find that the building located at 1203 Yale Street 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 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 and 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 may 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 6) that 30-day progress checks be scheduled. 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 5411 PURDUE AVE.

At 7:30 p.m. the public hearing was opened.

BI Sanders showed photos and cited structural, electrical and plumbing violations. Sanders stated that the owner is a minor and is represented by his mother. Sanders stated the intention to demolish the structures and rebuild.

Maria Simpson, minor owner's mother who resides at 933 Yale, was present to request additional time to demolish. Ms. Simpson stated that her son inherited the property. Ms. Simpson stated that she was seeking verification that the property belonged to her son prior to proceeding with the demolition. Secretary Stewart stated that correspondence from Wells Fargo has been received which verifies that they have no interest in the property. Ms. Simpson stated that she is seeking bids to demolish the house and rebuild. Ms. Simpson expressed her concern that she must wait until her son is 18 to make a decision. CA Elam verified that the City can take enforcement action. Ms. Simpson stated her intention to have additional yard sales at her house because she was told she could not have a yard sale at this location without an open water account. Ms. Simpson was referred to Staff for the yard sale provisions.

Brief discussion occurred related to securing the building, a controlled burn by the Fire Department or having some items removed of value such as windows prior to demolition.

At 7:41 p.m. the public hearing was closed.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5411 PURDUE 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 move to find that the building located at 5411 Purdue Avenue 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(s) and all debris within 60-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(s) within 60-days and the Lienholder or Mortgagee to within an additional 30-days if the owner does not comply, the City may demolish the building as its expense and place a lien on the property to cover its costs; and 4) that the property be secured by the owner

within a time that is comfortable with staff. Motion seconded by CM Gordon. All voted "Aye."

17. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

At 7:44 p.m. the public hearing was opened.

BI Sanders showed photos and cited structure, electrical and plumbing violations which were obtained through administrative search warrant that was served today. Sanders reported no contact and no progress toward compliance. Sanders reported the title search shows the property to be in the name of an estate. Sanders reported that the City is mowing the property and removing and debris.

Ms. Cox, a representative from Robertson Anshutz and Vettors, was present for the mortgage servicer of the property. Ms. Cox stated that the first notice was received on March 31. Ms. Cox stated that the property is pending foreclosure in district court. Ms. Cox stated that once the motion for default is approved by district court that the lienholder will post the property for sale. Ms. Cox requested time to allow the lienholder to inspect once they obtain control of the property. Ms. Cox stated the anticipate time for foreclosure to be 60-days and she requested at least 30-days after that. Ms. Cox responded to an inquiry stating that generally they do not maintain the exterior until they take possession.

At 7:51 p.m. the public hearing was closed.

The public hearing was immediately reopened and will be continued at the regular City Council meeting on May 24, 2016 at 7:00 p.m.

Ms. Cox confirmed that a representative is expected to be that hearing to report any progress.

18. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW 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.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF **ORDINANCE # 1102-2016** AMENDING THE FY 2016 WATER FUND BUDGET TO UPGRADE THE WATER PLANT SECURITY SYSTEM

CS Gregory requested to upgrade the security cameras at the water plant.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1102-2016 amending the FY 2016 water fund budget to upgrade the water plant security system. All voted "Aye."

STAFF REPORT:

20. EMC JAMES MYRICK ON NATIONAL TELECOMMUNICATORS WEEK (APRIL 10-APRIL 16)

EMC Myrick read a statement honoring tele-communicators.

CM Gordon shared a personal story about when she accidentally dialed 911.

Report only, no action was taken.

21. UPDATE ON THE RESULTS FROM THE DELINQUENT TAX SALE HELD APRIL 5, 2016 AT THE DOWNTOWN FORT WORTH COURTHOUSE

CS Gregory reported that 604 Frontier has sold for \$77,500 of which River Oaks will receive payment of \$6662.75 for liens assessed on the property. CS Gregory quoted the civil penalties at approximately \$187,500 which will be taken before the court and approved by the City Council.

CS Gregory reported that the 1114 Oxford was struck off to the City.

22. UPDATE ON SUBSTANDARD HOUSING BOARD ORDERS AT:

- 5008 SHERWOOD DR. – Sanders reported no contact or progress. CA Elam stated that the contract which is in place and has been signed is nearing expiration. CA Elam stated that once expired there are steps which can be taken to enforce the agreement - one of which is reinstatement of the civil penalties.
- 4829 KESSLER RD. – Sanders reported little contact however, he issued a stop work order for working without permits. Sanders reported that a foundation repair permit has application has been submitted. This order expires on April 23, 2016 and will be brought to the Council in May.

Reports only, no action was taken.

PUBLIC FORUM:

23. 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**

Shirley Wheat and Shirley Bloomfield presented photos of properties that currently have and have had code violations for weeks, months, and years. Ms. Wheat stated that 2 citations were issued in one year's time which is unacceptable. Ms. Bloomfield described a property that

had 24 tires against the house. Ms. Wheat mentioned properties in which natural water way runs through stating that only two are maintained. Mayor Pro Tem Holland suggested the complaints that have not been submitted to Staff, be submitted and he asked that staff work them. Mayor Pro Tem Holland suggested this topic be included in the upcoming planning session. CM Ashton supported the idea. CM Butler stated that businesses will not be interested in the city until it is cleaned up. CS Gregory stated the intention is to hold the planning session after the election.

CM Ashton gave a reminder of the upcoming Police Department banquet.

EXECUTIVE SESSION:

24. 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.

At 8:16 p.m Mayor Pro Tem Holland convened into executive session under Section 551.071, 551.072, and 551.074.

RECONVENE:

At 9:04 p.m. Mayor Pro Tem Holland reconvened into regular session.

25. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

26. ADJOURN

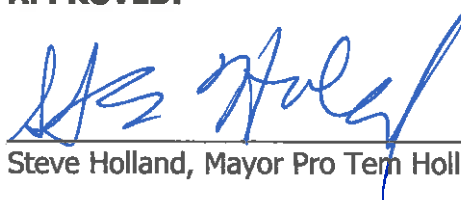
At 9:04 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Steve Holland, Mayor Pro Tem Holland