

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 11, 2011**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOANN GORDON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER R.R. "BOB" MINTER

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
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, January 11, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Crews delivered the Invocation.

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

PC Chisholm led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

Mayor Earwood read a proclamation declaring January 2011 as School Board Appreciation Month.

Mayor Earwood read a proclamation declaring January 13, 2011 as Clint Robertson Day.

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.

A. MINUTES OF REGULAR CITY COUNCIL MEETING DECEMBER 14, 2010

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 11, 2011

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve consent agenda items A and B as presented. All voted "Aye."

6. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF RATE INCREASE FOR COMMERCIAL GARBAGE SERVICE WITH IESI EFFECTIVE FEBRUARY 1, 2011

CS Gregory presented the request of IESI to increase the commercial garbage rates by 3.7% to be effective February 1, 2011 for a total budgetary impact of approximately \$17,000. CS Gregory recommended that the proposed rate increase not be passed to the customer since the current rates charged to commercial customers are adequate to cover the cost of the increase.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve the rate increase for commercial garbage service with IESI effective February 1, 2011 and not to pass the rate increase to the customer at this time. All voted "Aye."

8. CONSIDER APPROVAL TO WAIVE LEIN FEES ON THE PROPERTY AT 700 SPRINGER ROAD OVER AND ABOVE \$120.00

CS Gregory reviewed the events that led to city staff filing a lien on the property at 700 Springer. The owner was notified in writing to remove an unsanitary condition and failed to comply within the time allowed. City crews removed the conditions and city staff notified the owner in writing of the charges. The owner requested a hearing before the city administrator and on November 8, 2010 the fees were reduced from \$165 to \$120 provided that a payment was made prior to December 1, 2010. The owner failed to make the payment and city executed the filing of the lien for \$171.00. During that process, the owner made a payment on December 6, 2010. The request by the owner is to reduce the fees to the \$120 as originally given during the administrative hearing. CS Gregory cautioned that the filing fees are \$16.00 to file the lien and \$16.00 to release the lien.

An unidentified female representative was present to state that her father, the homeowner, did not receive the notice because he had moved to her brother's house temporarily. City staff stated that notice was mailed to the mailing address as indicated on the Tarrant Appraisal District Website. The female representative stated that her father had made a trip to Mexico and had forgotten to make the payment.

Mayor Pro Tem Gordon moved to deny the request to waive the additional lien fees above \$120 and included that the owner would be responsible for the \$16.00 filing fee and the \$16.00 release-filing fee. Motion died for lack of a second.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to deny the request to waive the additional lien fees above \$120 on the property at 700 Springer. All voted "Aye."

9. REQUEST BY DEREK MOON AT 1109/1111 ROBERTS CUT OFF TO LEASE BUILDING UNDER A TEMPORARY CERTIFICATE OF OCCUPANCY FOR 4 MONTHS

At 7:29 p.m. Mayor Earwood and Mayor Pro Tem Gordon left the dais.

At 7:29 p.m. Mayor Earwood and Mayor Pro Tem Gordon returned to the dais.

Derrick Moon was present to request a permanent certificate of occupancy in order allow a tax office to occupy a portion of an existing unit that is currently occupied by a boxing gym without separation of utilities as required.

Council Members reminded Mr. Moon that a previous temporary certificate of occupancy was granted with the condition that the utilities be separated upon the expiration of the temporary certificate of occupancy in order for the unit to be occupied by two tenants.

Mr. Moon stated that the cost to separate the utility meters is very costly and he intends to demolish the structures and build a shopping center in the future.

Mayor Earwood cautioned Mr. Moon that if one unit of the building is declared substandard, that the entire building would have to be brought into compliance.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to deny the request of Derek Moon at 1109/1111 Roberts Cut Off for a certificate of occupancy. All voted "Aye."

10. CONSIDER APPROVAL TO EXPEND COMMUNITY CENTER DOLLAR DONATION FUNDS FOR SECURITY SYSTEM AND RECREATIONAL IMPROVEMENTS

Community Center representatives Shirley Wheat and Shirley Bloomfield were present to request three additional security cameras for the community center.

After much discussion, it was determined that the cameras had already been purchased and installed. Council Member Crews expressed concern that a project had been completed and money spent prior to council approval. Mayor Earwood stated he authorized the purchase of the additional equipment since the 4-camera security system that had previously been approved by the Council could not be used at the Community Center without the additional equipment. Mayor Earwood added that David Bloomfield had installed all of the equipment at no cost to the city.

Community Center representatives Shirley Wheat and Shirley Bloomfield were present to request the purchase of two basketball goals to be located in the back parking lot of the Community Center.

Council Members discussed the safety aspect of locating the goals in the parking lot. It was decided that the city would once again investigate the possibility of installing a half or full basketball court with gas-lease money that had been set-aside for council approved projects.

Council Member Crews moved, seconded by Council Member Butler, to expend \$450 for closed caption cameras at the Community Center to be paid out of the dollar donation fund and to deny a \$400 expenditure for basketball goals. All voted "Aye."

11. CONSIDER ACTION ON THE SUBSTANDARD BUILDING ORDER THAT EXPIRES ON JANUARY 10, 2011 ON THE PROPERTY AT 4833 OHIO GARDEN RD.

CS Gregory stated that in October, the Council allowed the owner an additional 90-days for all the repairs to be completed. There have been no inspections scheduled during the 90-day period.

Jene Vega, 4833 Ohio Garden, was present to request an additional 90-day to complete the repairs and bring the property into compliance.

Council Members explained that all permits have expired and that citations would be issued if work were commenced without active permits.

Mayor Earwood stated that City Staff has been instructed to record all conversations with Mrs. Vega.

Mrs. Vega cited obstacles such as bad weather and contractor issues that had slowed the progress of the repairs.

[At 8:22 p.m. Mayor Earwood convened into executive session under Section 551.071 to seek advice from an attorney.]

[At 8:40 p.m. Mayor Earwood reconvened into regular session.]

Mayor Earwood stated that city inspectors would be at the property at 4833 Ohio Garden on Thursday, January 13, 2011 to perform a progress inspection. Mrs. Vega stated that she had an emergency and would not be at home. Mayor Earwood stated that the inspection would be performed voluntarily or through an administrative search warrant at the specified time.

Council Member Crews made the following motion, "I move 1) to allow the property owner 90-days to complete all repairs and bring the property into full compliance; 2) that prior to commencement of work a full inspection be performed by city inspectors to determine the scope of work remaining; 3) that permits be obtained as of January 17, 2011; 4) that during the 90-days allowed to complete the repairs the owner must schedule and allow bi-weekly inspections; 5) that progress be reported to the City Council at each regular meeting; and 6) that a detailed plan of action be presented to the City Council

at the next regular meeting. Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

CA Elam explained three enforcement options that the City may take if compliance is not met: 1) Administrative penalties may be assessed through district court; 2) Citations may be issued for violation of city ordinances; and/or 3) under Chapter 54 of the Texas Local Government Code, the City can take action in district court for repeated failure to comply with city ordinances. CA Elam urged Mrs. Vega to comply with the Council Order to avoid further enforcement action.

12. CONSIDER APPROVAL OF REVISED INVESTMENT REPORT FY 2010-2010

CS Gregory reported that the auditors had found an error in the Investment Report that was presented and approved by the Council in October 2010. CS Gregory requested council approval of the corrected Investment Report and noted that the error did not change the ending balance.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve the revisions to the investment report as presented. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. ADMINISTRATIVE HEARING CONTINUED FROM DECEMBER 14, 2010: CONSIDER ASSESSMENT OF CIVIL PENALTIES AGAINST THE OWNER(S) OF THE PROPERTY AT **1728 HILLSIDE DR.** PURSUANT TO SECTION 3.07.013 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED FOR FAILURE TO COMPLY WITH THE SUBSTANDARD BUILDING ORDER OF JULY 13, 2010

Mayor Earwood announced that this public hearing was continued from December 14, 2010.

Inspector Sanders reported that all substandard conditions have been abated and a certificate of occupancy has been approved.

At 8:50 p.m. Mayor Earwood closed the public hearing.

14. ACTION FROM ADMINISTRATIVE HEARING: CONSIDER BOARD ACTION ON THE ASSESSMENT OF CIVIL PENALTIES AGAINST THE OWNER(S) OF THE SUBSTANDARD PROPERTY AT **1728 HILLSIDE DR.** FOR FAILURE TO COMPLY

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to waive any civil penalties that could have been assessed.

Prior to a vote, Council Member Crews suggested that no action be taken, effectively removing assessment of any civil penalties by the Council.

15. PUBLIC HEARING CONTINUED FROM DECEMBER 14, 2010: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 4854 MONTROSE DR.

Mayor Earwood announced that this public hearing was continued from December 14, 2010.

Inspector Sanders recommended that this public hearing be continued since the owner had left a message to schedule a plumbing inspection but did not answer when staff returned the call.

Mayor Earwood announced that this public hearing would remain open and be continued at the next regular meeting of the City Council on January 25, 2010 at 7:00 p.m.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4854 MONTROSE DR.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) 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.

17. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1218 YALE ST.**

At 8:54 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders showed pictures and reported that city staff gained entry by administrative search warrant on January 10, 2011. Inspector Sanders reported that structural deficiencies and plumbing violations exist as well as extremely hazardous electrical violations in the main structure. Inspector Sanders added that there are two dilapidated accessory buildings on the property. Inspector Sanders stated that the staircase to the second floor is a fold-down attic ladder creating a hazardous safety concern.

Building Official Gregory stated that property contains substandard conditions and dilapidated structures rendering the property hazardous to the life, health, and safety of the general public.

At 9:08 p.m. Mayor Earwood closed the public hearing.

18. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1218 YALE ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

Council Member Butler made the following motion, "I move that the City Council find that the building located at 1218 Yale St. 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 occupants of the building(s), if applicable) are endangered; and 2) That the owner has been given an opportunity in the past to make the necessary repairs, and there is no 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 1218 Yale St. be demolished and the debris removed from the property by the Owner within 30 days and the Lienholder or Mortgagee of record 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 of record 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) order that the property be secured immediately." Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

CA Elam recommended that a fence be erected to secure the property due to hazardous conditions until the demolition is complete.

19. **PUBLIC HEARING:** *TO RECEIVE PUBLIC INPUT OF THE CITY'S PROJECT PROPOSAL TO BE SUBMITTED FOR THE 37TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM*

At 9:14 p.m. Mayor Earwood opened the public hearing.

PWS Hatley passed out questionnaires to all in attendance, for public input, regarding the City's proposal for the 37th year CDBG Program. The reported tabulations of the public questionnaires resulted in Sewer Lines ranking number 1, followed by Water Lines. Staff's recommendation for this year's project was in accordance with the Sanitary Sewer Outreach (SSO) Initiative Agreement with TCEQ which mandates the City to renovate all deteriorated sewer lines over the next 10-years. Staff recommended the replacement of the sewer line on Shenna in the amount of \$99,520. Staff anticipates CDBG funding in the amount of \$80,000 and recommended the City pledge an additional \$20,000 to complete the project.

At 9:20 p.m. Mayor Earwood closed the public hearing.

20. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **RESOLUTION # 687-2011** THAT AUTHORIZES THE CITY'S PROJECT SUBMITTAL AND PLEDGE FOR THE 37TH YEAR CDBG PROGRAM

Council Member Crews made the following motion, "I move to adopt Resolution # 687-2011 authorizing the Submittal of the City's CDBG project proposal of approximately \$99,520 for the 37th year CDBG Program (FY2011) as recommended by the Public Works Director, authorizing the City Pledge of \$20,000 to the project and designating Cheatham and Associates as the Project Engineer." Motion seconded by Mayor Pro Gordon. All voted "Aye."

ORDINANCES / RESOLUTIONS AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

21. CONSIDER APPROVAL OF **RESOLUTION # 688-2011** CREATING A MULTI-JURISDICTIONAL EFFORT OF REGIONAL LAW ENFORCEMENT AGENCIES AS THE NORTH CENTRAL TEXAS MAJOR CASE INVESTIGATIVE TEAM

PC Chisholm summarized the goal of creating the North Central Texas Major Case Investigative Team (MCIT) is to allow for local law enforcement agency collaboration in the event of a large-scale criminal investigation.

CA Elam stated that the law firm has reviewed the agreement and has no recommended changes.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Resolution 688-2011 as presented. All voted "Aye."

22. CONSIDER APPROVAL OF **ORDINANCE # 870-2011** AMENDING THE FY 2010-2011 BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE

Council Member Crews moved, seconded by Council Member Butler, to approve Ordinance No. 870-2011 by removing the request for basketball goals, effective immediately. All voted "Aye."

STAFF REPORTS:

23. REPORT BY CITY'S PUBLIC WORKS DIRECTOR ON TTHM COMPLIANCE WITH TCEQ

CS Gregory reported that the TTHM level is above the annual running average of 0.08 mg/l through the 3rd quarter. As required by EPA, letters have been mailed to water account holders and the notice has been published. CS Gregory explained several procedures that have been implemented in order to bring the TTHM levels into compliance. CS Gregory stated that the water is safe to drink and alternative water sources are not necessary.

No formal action was taken.

PUBLIC FORUM:

24. 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**

Mr. Ashley inquired about the property formerly owned by the Ball family. Inspector Sanders reported that the property has changed ownership and the new owner intends to open a gas station.

John Claridge pointed out that the lock on the side door of the Community Center is malfunctioning.

James Myrick asked if River Oaks is the only city that uses Lake Worth for water supply. CS Gregory responded that River Oaks is not the only City that uses Lake Worth. CS Gregory went on explain that Lake Worth is part of the Eagle Mountain Reservoir and that other cities do intake water from it.

EXECUTIVE SESSION:

25. 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

[At 8:22 p.m. Mayor Earwood convened into executive session under Section 551.071-to seek advice from attorney.]

RECONVENE:

[At 8:40 p.m. Mayor Earwood reconvened into regular session.]

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

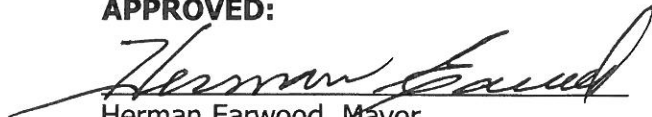
Refer to agenda item number 11 for action taken following executive session.

ADJOURN:

27. ADJOURN

At 9:44 p.m. Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary