

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 8, 2010**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF BILL CREWS
BUILDING INSPECTOR STEVE SANDERS
SECRETARY SUSAN STEWART
ATTORNEY JENNY GRAVELY

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, June 8, 2010 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

Secretary Stewart led the pledges of allegiance to the United States and the Texas Flags.

4. **READING OF PROCLAMATION(S) BY MAYOR:**

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

- A. MINUTES OF CITY COUNCIL MEETING MAY 25, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING JUNE 8, 2010
- C. APPROVAL OF MAYOR'S RECOMMENDATION FOR HIRING AN EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPT
- D. APPROVAL OF THE RESIGNATION OF LINDA BAKER AS CO-DIRECTOR AT THE COMMUNITY CENTER

Council Member Crews moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, and D 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. CHARLIE RICARDO REQUESTING PERMISSION TO SELL PRODUCE ON THE SIDEWALK IN FRONT OF JESSIE'S DONUTS AT 5412 RIVER OAKS BLVD.

A representative for Jessie's Donuts was not present at this time.

Mayor Earwood stated that according to the information provided to the Council, this request could not be denied.

Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve the request of Charlie Ricardo to sell produce on the sidewalk in front of Jessie's Donuts at 5412 River Oaks Blvd.

Council Member Crews stated that this request is allowable, according to the Zoning Ordinance, and no action is necessary from the City Council.

Council Member Butler withdrew the motion. No action taken.

8. DISCUSSION AND/OR ACTION ON THE WOOLDRIDGE PARK PROJECT WPK2010-0001 INCLUDING SELECTION OF PAVESTONE DESIGN FOR RETAINING WALLS, FENCE DESIGN, PROJECT DESIGN AND SIGNAGE AS RECOMMENDED BY THE PARK BOARD

CS Gregory presented the recommendation of the Park Board for the color of the pavestones to be used for the retaining wall at Wooldridge Park. Mayor Earwood suggested that Staff inquire about the future availability of the pavestone color in order to be able to match the color at a later date should the need arise.

Mayor Earwood directed Staff to install a sign that would prohibit skateboarding on the sidewalk, stating that a safety issue exists since the sidewalk ends in the street.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve the recommendation of the Park Board for the color of the retaining wall as discussed.

[At this time, Charlie and Jessie Ricardo arrived. Mayor Earwood informed them that the request to sell produce in front of their existing business "Jessie's Donuts" is an allowable use in accordance with the Zoning Ordinance.]

9. CONSIDER APPROVAL OF CONTRACT FOR TAX COLLECTIONS WITH TARRANT COUNTY TAX OFFICE.

CS Gregory recommended entering into a contract with Tarrant County for tax collections at a rate of 65 cents per parcel. CS Gregory stated that this is the standard contract previously used. CS Gregory added that the rate of 65 cents per parcel is the same as the previous year.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to enter into a contract for tax collections with Tarrant County as presented. All voted "Aye."

10. CONSIDER APPROVAL OF HIRING OF PART TIME EMPLOYEES AT COMMUNITY CENTER

Mayor Earwood summarized the position realignment proposal for the Community Center due to the resignation of Linda Baker. Shirley Wheat and Debbie Reynolds would split the 25 hours that are currently budgeted for Linda Baker. Debbie would primarily cover the senior lunch on Wednesday and Shirley would work the Monday and Friday hours. Mayor Earwood stated that this arrangement would not impact the budget.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the hiring of two part-time employees at the Community Center to fill the vacancy of Linda Baker with the stipulation that the hours worked not exceed the allocated 25 hours as discussed. All voted "Aye."

11. CONSIDER APPROVAL TO EXPEND \$247.93 FROM THE LIBRARY DOLLAR FUND FOR COMPUTER EQUIPMENT

Mayor Earwood explained the request of the Library Director to pay \$247.93 from the Library Dollar Donation Fund for the balance of a laptop and related equipment of which \$700 will be funded by Friends of the Library.

Council Member Crews moved, seconded by Council Minter, to expend \$247.93 from the Library Dollar Donation Fund for computer equipment as presented. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING CONTINUED FROM MAY 25, 2010: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 4833 OHIO GARDEN RD.**

Mayor Earwood reported that the owners of the property were unable to attend due to a previous engagement.

Mayor Earwood announced that the public hearing would remain open and be continued at the next regular meeting of the City Council on June 22, 2010.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4833 OHIO GARDEN RD.** 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.

14. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1219 HARVARD ST.**

At 7:18 p.m. Mayor Earwood opened the public hearing.

Building Inspector Sanders explained that an administrative search warrant was executed on June 7, 2010 at 1219 Harvard. Photos of violations were shown. Inspector Sanders cited hazardous electrical, structural and plumbing violations. Inspector Sanders stated that open conditions in the walls and ceilings of the structure also constitute a fire hazard. Inspector Sanders pointed out significant foundation deficiencies causing 1 to 2 inch separations and a sagging roof.

John Michael Corn, representative for the YMCA, was present. He reported that the YMCA was prepared to demolish the structure until approached by a potential buyer. Procedures call for Board approval prior to selling YMCA property and this has caused a delay in the sale. Mr. Corn stated that a previous tenant had damaged the structure. Mr. Corn stated that the YMCA is prepared to sell the property or demolish the structure. Mr. Corn stated that the sale of the property could take between 30 and 60 days. Mayor Earwood asked Mr. Corn if he would like to live in a neighborhood with this house. Mr. Corn responded that he would probably call the fire department with concerns if this house were in his neighborhood.

Council Member Crews asked Inspector Sanders if the property is feasible of repair. Inspector Sanders responded that the property is not feasible of repair. Mr. Corn stated he has 15 years of experience and in his opinion the structure is not repairable.

At 7:33 p.m. Mayor Earwood closed the public hearing.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1219 HARVARD 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

Mayor Pro Tem Gordon made the following motion "I move that the City Council find that the building(s) located at 1219 Harvard 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 1219 Harvard St. be demolished and the debris removed from the property 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) waive the demolition permit fee; and 5) board up the structure within 72-hours unless the demolition process has been commenced. Motion seconded by Council Member Crews. All voted "Aye."

16. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1728 HILLSIDE DR.

At 7:36 p.m. Mayor Earwood opened the public hearing.

A representative for the property was not present.

Building Inspector Sanders showed photos and cited hazardous structural, plumbing and electrical violations. Inspector Sanders reported significant foundation deficiencies causing 1 to 2 inch separations.

CS Gregory added that under the property maintenance code, violations exist that constitute unsafe conditions for occupancy in its present state and recommended that the order include the requirement for a certified registered engineer to certify the structural stability of the existing foundation.

At 7:46 p.m. Mayor Earwood closed the public hearing.

17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1728 HILLSIDE 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

Council Member Crews made the following motion "I move that the City Council find that the building(s) located at 1728 Hillside Dr. 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 that in order to move forward, a structural engineer must certify the foundation within 30-days before further decisions are made." Motion seconded by Council Member Minter. All voted "Aye."

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

18. CONSIDER APPROVAL OF RESOLUTION # 680-2010 AUTHORIZING REPRESENTATIVES OF THE CITY TO TRANSMIT AND/OR WITHDRAW FUNDS FOR INVESTMENT IN TEXPOOL

No discussion occurred.

Council Member Crews moved, seconded by Council Member Butler, to approve Resolution #680-2010 as presented. All voted "Aye."

19. CONSIDER APPROVAL OF RESOLUTION # 681-2010 AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY'S BANK ACCOUNTS

No discussion occurred.

Council Member Holland moved, seconded by Council Member Crews, to approve Resolution # 681-2010 as presented. All voted "Aye."

20. CONSIDER APPROVAL OF RESOLUTION # 682-2010 AUTHORIZING CONTINUED PARTICIPATION OF THE CITY WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR AND AUTHORIZING THE PAYMENT OF 10-CENTS PER CAPITA

CS Gregory recommended the participation with the steering committee which has proven beneficial to the City with regard to rates, litigation and deregulation issues. The cost is 10 cents per capita for a total of \$735.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Resolution # 682-2010 as presented. All voted "Aye."

21. CONSIDER APPROVAL OF ORDINANCE # 847-2010 IMPOSING A WATER LIEN AGAINST AN OWNER'S PROPERTY LOCATED AT 1611 LAURA, BLOCK 2, LOT 7, ROCKWOOD TERRACE ADDITION

A representative for the property was not present.

CS Gregory stated that a water lien could be imposed on the property when delinquent charges remain unpaid after notification has been given to the owner of the property. A tenant occupied the property when the leak occurred. CS Gregory stated he explained to the owner that an affidavit must be filed with the City Secretary noting that the property is rental property and the owner would not be responsible for the tenant's utility bills as of the date of the notice. Mr. Small, owner, filed the affidavit in February of 2009. The delinquency occurred for utility service from December 15, 2008 through January 27, 2009 and therefore the notification provided by Mr. Small in February 2009 would not be applicable in releasing his responsibility for the delinquency. Mr. Small had indicated in his response letter to CS Gregory that he had filed such an affidavit in 2006.

Staff determined through Tarrant Appraisal District that Mr. Small did not take ownership of the property until 2007. CS Gregory stated that the owner had asked for CS Gregory not to contact him again.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 847-2010 as presented. All voted "Aye."

Mayor Earwood asked if the owner could be allowed additional time to pay the bill. CS Gregory responded that the owner indicated that he was unwilling to pay the bill.

Council Member Holland asked if utility service could be denied to the property. CS Gregory replied that after discussion on this topic with the City Attorney, it is not recommended.

PUBLIC FORUM:

22. 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**

Charlie Ricardo announced that on June 11 she and Jessie will celebrate 25 years of marriage.

Council Member Holland requested that Staff examine the property across from the Community Center for excessive outside storage of pallets.

Mayor Pro Tem Gordon noted that the River Oaks Car Show is this Saturday, June 12 at the Community Center from 1-4 p.m.

Jessie Ricardo, Jessie's Donuts, commented that standing water still accumulates in front of his business from Whataburger and Chicken Express. Mayor Earwood replied that the City is progressively filling in the holes and scraping the easement in an attempt to alleviate the conditions that constitute a health and safety hazard. CS Gregory added that the Storm Water Task Force would be presenting an ordinance to the City Council in July that would add some control over the expressed concerns.

Mayor Earwood announced that the annual All American Celebration is scheduled for June 26, 2010 at the Super Save parking lot.

Mayor Earwood announced that Fun Fridays would resume at the Community Center this summer.

Mayor Earwood announced that Phase 1 of the Wooldridge Park Project would be complete in approximately four weeks. Mayor Earwood added that the BMX trail might be presented to the EDC for consideration of funding at an upcoming meeting.

EXECUTIVE SESSION:

23. 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

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

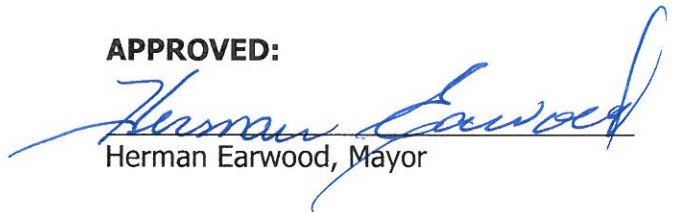
None.

ADJOURN:

25. ADJOURN

At 8:07 p.m. Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary