

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 10, 2009**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JACK ADKISON
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER R.R. "BOB" MINTER
COUNCIL MEMBER SHERRIE UPTMORE DAST

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
OFFICE MANAGER PAULA BAGWELL
BUILDING INSPECTOR STEVE SANDERS
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 7:02 p.m. on Tuesday, March 10, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Crews gave the Invocation.

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

Nancy Crews 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 the week of March 15-21, 2009 as Poison Prevention Week.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Council Member Crews requested Item A, Minutes of the City Council Meeting for February 24, 2009, be removed from the Consent Agenda.

6. 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 FEBRUARY 24, 2009
- B. MINUTES OF CITY COUNCIL SPECIAL CALLED MEETING MARCH 3, 2009
- C. BILLS PAYABLE FOR PERIOD ENDING MARCH 10, 2009

Council Member Crews moved to approve Consent Agenda Items B and C as presented. Motion seconded by Mayor Pro Tem Holland. All voted "Aye."

FROM CONSENT AGENDA (#6) ITEM A: Council Member Crews pointed out that he was absent from the City Council Meeting on February 24, 2009 and therefore could not have made the statement that he agreed hand painted signage resembles graffiti as indicated in Agenda Item # 12 on page 6.

Council Member Crews moved to approve the Minutes of the Regular City Council Meeting for February 24, 2009 as corrected. Motion seconded by Council Member Adkison. All voted "Aye."

7. DRAWING TO DETERMINE THE ORDER IN WHICH THE NAMES OF CANDIDATES ARE TO BE PRINTED ON THE BALLOT FOR THE CITY MUNICIPAL ELECTION TO BE HELD ON MAY 9, 2009.

7. RIFA PARA DETERMINAR EL ORDEN EN EL CUAL SE IMPRIMIRAN LOS NOMBRES DE LOS CANDIDATOS EN LA TARJETA ELECTORAL, PARA LA ELECCION MUNICIPAL DE LA CIUDAD, QUE SE LLEVARA A CABO EL 9 DE MAYO DEL 2009.

CS Gregory conducted the drawing to determine the order in which the candidate's names shall be printed on the ballot for the City Municipal Election to be held on May 9, 2009. The drawing resulted in the following order of placement:

Place 1

JoAnn Butler
John Claridge

Place 2

Greg Hendrickson
Joe Crews

Place 5

Sherrie Uptmore Dast
JoAnn Gordon

PERSONAL APPEARANCES AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. CONSIDER APPROVAL FOR THE C.H.S. PROJECT GRADUATION PARENT COMMITTEE TO HOLD A JOINT YARD SALE AT 1021 ROBERTS CUT OFF IN VIOLATION OF SECTION 4.05.006 OF THE RIVER OAKS CODE.

Melissa Kellems requested Council approval to hold a non-profit yard sale at her home located at 1021 Roberts Cut Off to benefit Project Graduation.

Council Member Crews noted that non-profit yard sales are allowed on commercial property and suggested Ms. Kellems relocate the yard sale to commercial property.

Don Istook offered his commercial property located on River Oaks Blvd. for the non-profit yard sale.

No action was taken.

9. CONSIDER APPROVAL OF THE DONATION OF \$720 TO THE TARRANT YOUTH RECOVERY CAMPUS

PC Chisholm recommended approval of a donation to Tarrant Youth Recovery Campus, an organization that provides substance abuse treatment services to local youth.

Council Member Adkison moved to approve the donation of \$720 to the Tarrant Youth Recovery Campus, seconded by Council Member Dast. All voted "Aye."

10. CONSIDER AMENDING THE SUBSTANDARD BUILDING ORDER OF MAY 15, 2008 ON THE PROPERTY AT 5116 KESSLER RD.

Laurentino Mora, 5117 Kessler, was present to request five months to bring the property at 5116 Kessler into compliance. Mr. Mora recently purchased the home and his intention is to sell it once repairs are complete.

Council Member Crews pointed out information from a structural engineering report that indicated the structure needs foundation repair. CS Gregory stated that a structural engineering report would be required after the repair was complete in order to verify the integrity of the foundation.

CA Elam referenced possible citations or civil penalties if the owner does not comply within the time frame ordered by the City Council.

Council Member Crews moved to amend the Substandard Building Order of May 15, 2008 for the property located at 5116 Kessler and ordered the following: 1) Within 30-days from March 10, 2009 the Owner must provide the Building Board of Appeals with certification from a registered professional engineer verifying the foundation has been repaired and brought into full compliance with the Building Code; and 2) the building(s) be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended within 120-days or by the Lienholder or Mortgagee, if any, within an additional 30-days if the owner does not comply; and 3) that the building(s) be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances as amended or demolished by the Owner within 120-days, or the Lienholder or Mortgagee, if any, within an additional 30-days if the Owner does not comply, and further find that if the buildings are not repaired within that time, that there is no reasonable probability that the building(s) will be repaired within a reasonable period of time if additional time is given. Motion seconded by Council Member Minter. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON CITY'S 60TH ANNIVERSARY AS REQUESTED BY COUNCILMAN CREWS

Mayor Earwood invited all in attendance to the 60th Anniversary of the City at the Community Center on April 4, 2009 from 6 p.m. to 9 p.m.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 741 LYNDA DR.

At 7:42 p.m. Mayor Earwood opened the Public Hearing.

No representatives were present for the property located at 741 Lynda Dr.

Building Inspector (BI) Steve Sanders showed photos and recited Substandard Violations found on the property of 741 Lynda. The violations include structural, plumbing and extremely hazardous electrical deficiencies. BI Sanders stated that the structure does appear to be feasible of repair.

CS Gregory revealed, based on a conversation with the property owner, the intention of the owner is not to bring the property into compliance and the owner believed that the Lender would be foreclosing on the property.

City Attorney Elam reminded the Council that an administrative hearing to assess civil penalties is an option if the owner does not comply with the order to repair.

At 7:52 p.m. Mayor Earwood closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 741 LYNDA 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 741 Lynda 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 are endangered; and 2) That the building(s) is feasible of repair and therefore ORDER the Building(s) to be repaired BY THE OWNER within 30-days of the date and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) 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." Motion seconded by Council Member Minter. All voted "Aye."

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

14. CONSIDER APPROVAL OF RESOLUTION # 647-09 AUTHORIZING THE BUSINESS IMPROVEMENT GRANT (BIG) PROGRAM THAT PROVIDES LIMITED GRANTS FOR

ELIGIBLE IMPROVEMENTS TO EXISTING BUILDINGS OCCUPIED BY BUSINESSES (FIRST READING).

EDC Vice-President Steve Holland presented the proposed recommendation of EDC for the Business Improvement Grant in the form of Resolution # 647-09 to the City Council for approval following the first reading.

Vice-President Holland requested from Staff a redlined copy of Resolution # 647-09 defining the changes made by the City Attorney.

Council Member Adkison moved to approve Resolution # 647-09 (first reading) authorizing the Business Improvement Grant, seconded by Council Member Dast. All voted "Aye."

15. CONSIDER APPROVAL OF RESOLUTION # 648-09 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2009-2010 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (FIRST READING)

EDC Vice-President Steve Holland recited EDC expenditures from the 2009-2010 Fiscal Year Budget for projects over \$10,000 as follows:

- Park Improvements described as continuation of Improvements to Parks in the amount of \$62,000
- Community Center Improvements described as roof replacement to the Community Center in the amount of \$40,000
- Promotional described as promotional events to include expenditures of \$4,500 for Fireworks Display for the All American Celebration in the amount of \$15,000 (At the Regular Meeting of the City Council on March 24, 2009, Council Member Crews requested that that the actual cost for the fireworks be changed from \$4,500 to \$7,500, stating that these minutes were accurately recorded but the source figure was printed incorrectly.)
- City Signage described as signage for City Hall to advertise information, events, and promote the City in the amount of \$10,000
- Water System Improvements described as employee salaries and benefits, and to continue water line improvements to Ohio Garden, 4800 River Oaks Blvd, Moss and Lawrence in the amount of \$ 40,000
- Sewer System Improvements described as continuation of sewer line improvements on Lawther, Pomona, Cornell, Laura, Long and Stanford in the amount of \$100,000
- Other Professional Services described as redevelopment planning for the City of River Oaks in the amount of \$21,500
- Boulevard Enhancements described as landscaping of medians on River Oaks Blvd, and costs applied to said project in the amount of \$35,000
- Property Incentives for Businesses described as redevelopment enhancements to upgrade existing businesses in the amount of \$100,000

Council Member Dast moved to approve Resolution # 648-09 (first reading) authorizing the Economic Development Corporation Expenditures from the 2009-2010 Fiscal Year Budget as qualified for projects more than \$10,000, seconded by Council Member Crews. All voted "Aye."

STAFF REPORTS:

16. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

Building Inspector (BI) Sanders gave an update on the properties located at:

- 4833 OHIO GARDEN RD. - BI Sanders reported continual progress.
- 1732 LAWATHER - CS Gregory stated that additional information has been received and is under review by the City Attorney.
- 1705 LONG - BI Sanders reported that Staff would contact the owner and request that a driveway be installed or that the original driveway be restored.
- 4820 KESSLER - BI Sanders reported continual progress under permits that expire April 6, 2009.
- 5020 TULANE - CS Gregory reported a prospective owner has contacted Staff and is willing to bring the property into compliance.
- 5116 TULANE - BI Sanders reported that the dilapidated accessory building has been removed. The electrical system is up to code. An active plumbing permit expires March 23, 2009.
- 1136 ST. EDWARDS - BI Sanders reported voluntary compliance with an active building permit that expires June 3, 2009.
- 4804 KESSLER - BI Sanders reported voluntary compliance with an active building permit that expires June 4, 2009.
- 1122 ST. EDWARDS - BI Sanders reported that the owner intends to comply under voluntary compliance and will obtain permits within a few weeks.

Council Member Crews expressed concern that 1122 St. Edwards is for sale and the owner may attempt to sell the property without bringing it into compliance since there is not a Substandard Order on the property. Council Member Crews stated that a portion of the structure appears as if it may collapse. CA Elam suggested that Staff contact the owner to recommend an agreed order to demolish the structure. CS Gregory reported that the property is being currently worked under a 90-day voluntary compliance schedule with updates required every 30-days. If acceptable progress is not made during any one of the 30-day update periods, all permits would be suspended and the property will then be forwarded to the Building Board of Appeals (City Council) for further action.

17. STAFF REPORT: SUBSTANDARD PROPERTIES UNDER CONSIDERATION

- 1129 ST. EDWARDS - BI Sanders reported that Staff would pursue Substandard Enforcement Action once proper notification is sent to persons revealed on the title search.

18. STAFF REPORT: CERTIFICATE OF OCCUPANCY PERMITS

- 5513 PURDUE AVE. - BI Sanders contacted Bobby Duran, instructor for master plumbers and inspectors, and the State Board of Plumbing Examiners; both agreed that the combustion tube in the hot water heater closet, as is required on the Certificate of Occupancy, is necessary in order to insure adequate combustion air.

Robert Olson, 5513 Purdue stated that he cannot comply and he was willing to accept a citation.

PUBLIC FORUM:

19. 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.**

Wayne Butler inquired about the time frame to construct an office building on the property at 1915 Roberts Cut Off as ordered by the City Council. CS Gregory clarified the time frame as six months to construct a structure as ordered by the City Council.

Dean Throne presented the following to the City Council: 1) The street lights on the west end of River Oaks Blvd have not been working for 2 months. CS Gregory responded that Oncor reportedly was waiting on a special component for the lights. Mayor Pro Tem Holland directed CS Gregory to request an adjustment on the bill due to the extended time frame that the lights have not been working and the City has been paying for the service. 2) The City Council had passed a sign ordinance restricting portable signs in order to clean up the City although the Community Center continues to advertise events. Mayor Earwood responded that the signs are allowed on private property during special events. CS Gregory added that special events signage is allowed two times per year with up to six signs, 1 on site and 5 off site, on private property.

JoAnn Butler requested a telephone number for Oncor and encouraged all citizens and elected officials to report the problem with the lights on River Oaks Blvd.

[At 8:28 p.m. Council Member Adkison requested a recess prior to convening into the Budget Workshop for the 2009-2010 Fiscal Year.]

[At 8:40 p.m. Mayor Earwood reconvened Meeting.]

Mayor Earwood invited the community to an election watch party at the Community Center on May 9, 2009.

20. WORKSHOP NUMBER 2: 2009-2010 FISCAL YEAR BUDGET

CS Gregory reported a deficit in the General Fund Budget of \$140,433. after incorporating the recommended changes and a total deficit of \$320,433 including \$160,000 for a garbage truck to be purchased using reserves. CS Gregory reported a balanced water budget.

CS Gregory reported a deficit in the General Fund Budget of \$140,433. Mayor Pro-Tem Holland stated that the expenditure of \$180,000 for the garbage truck is to be incorporated into the budget even though it is to be paid for out of reserves. CS Gregory stated that with the recommended change that will now include \$180,000 for a garbage truck there would be a total deficit in the General Fund of \$320,433. CS Gregory reported a balanced water budget.

No action was taken.

EXECUTIVE SESSION:

21. 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:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

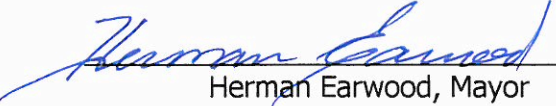
None.

ADJOURN:

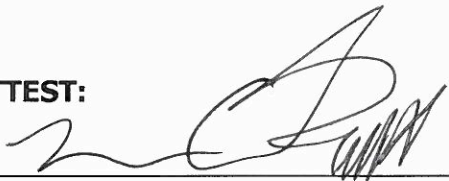
23. ADJOURN

At 9:10 p.m. Council Member Adkison moved to adjourn the meeting, seconded by Council Member Crews. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary