

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 23, 2011**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF RON SHORT
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
SECRETARY SUSAN STEWART
ATTORNEY STEVE WOODS

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 23, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

Fire Chief Ron Short led the pledges of allegiance to the United States and the Texas Flags.

4. **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 COUNCIL MEETING AUGUST 9, 2011
- B. MINUTES OF SPECIAL COUNCIL MEETING AUGUST 11, 2011
- C. MINUTES OF SPECIAL COUNCIL MEETING AUGUST 16, 2011
- D. BILLS PAYABLE FOR PERIOD ENDING JULY 26, 2011
- E. CONSIDER APPROVAL OF # **RESOLUTION 705-2011** (APPROVED AUGUST 16, 2011 AS RESOLUTION # 701-2011) (RESOLUTION NUMBER CORRECTION FROM 701-2011 TO 705-2011) AMENDING AUTHORIZED REPRESENTATIVES OF THE CITY TO INVEST LOCAL FUNDS WITH TEX-POOL
- F. CONSIDER APPROVAL OF # **RESOLUTION 706-2011** (APPROVED AUGUST 16, 2011 AS RESOLUTION # 702-2011) (RESOLUTION NUMBER CORRECTION FROM 702-2011 TO 706-2011) AUTHORIZING THE AGENTS OF THE CITY IN EXERCISING THE POWERS FOR BANKING

G. CONSIDER APPROVAL OF MAYOR'S RECOMMENDATION FOR THE HIRING OF MIKE ARNOLD FOR CODE ENFORCEMENT

CM Crews requested that agenda item #9 from the Minutes of the Regular Council Meeting on August 9, 2011 be amended to state "4.40 per month."

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

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

6. CONSIDER APPROVAL TO AMEND THE BUILDING BOARD JUNE 14, 2011 ORDERS ON THE SUBSTANDARD PROPERTY AT 1716 LAWThER

Inspector Sanders reported significant progress on the substandard violations at 1716 Lawther. Charles Meyer, representative for the owner of 1716 Lawther, was present to request at least 60 days to complete the work.

Council Member Butler made the following motion "I make the motion that 1) 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(s) is/ are feasible of repair; 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 by the Owner within 90 days from August 23, 2011 or by the Lienholder or Mortgagee to within an additional 30-days if the Owner of Record does not comply and further find that if the building is not repaired within 90-days from August 23, 2011, 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 90-days from August 23, 2011 in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 4) require the that new permits be issued and paid for and include an amended Plan of Action at the time of permit renewal." Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

7. CONSIDER APPROVAL OF AUTO RENEWAL AGREEMENT FOR COMPUTER SUPPORT WITH AMERICAN INTEGRATION IN ORDER TO INCLUDE THE COMPUTERS IN THE FIRE DEPARTMENT

CS Gregory requested to amend the original contact with American Integration that originally included only the City Hall and the Police Department to include the Fire Department. The

changes to the proposed contract would add the Fire Department at no additional cost and would be an auto renewal agreement with a 30-day termination clause.

CM Crews moved, seconded by CM Butler, to approve the auto renewal agreement for computer support with American Integration as presented. All voted "Aye."

8. CONSIDER APPROVAL OF PLANNED MAINTENANCE AGREEMENT WITH CUMMINS SOUTHERN PLAINS LLC FOR EMERGENCY POWER GENERATION EQUIPMENT

CS Gregory stated that this agreement covers the emergency generators at City Hall, the Water Treatment Plant and the Water Tower. The only change to this agreement from previous years is a 3% increase.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve the planned maintenance agreement with Cummings Southern Plains as discussed. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON SB 100 REGARDING UPCOMING CITY ELECTIONS

Discussion occurred related to the options for the City due to recent legislative changes to election law. Council Members agreed that un-staggering the terms is not an option. To change the election date to November would require a charter amendment. Council Members agreed that the best option may be to purchase voting equipment, keep the May Election Date, and have Staff administer the elections. Staff was directed to contact the other nearby entities for a joint meeting to discuss this option. CS Gregory reported that a meeting with Tarrant County was scheduled for Wednesday August 24, 2011 and more information should be available.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to purchase the required equipment to perform the elections within the City in May of each year. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

10. **PUBLIC HEARING CONTINUED FROM AUGUST 9, 2011: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1205 CHURCHILL RD.**

Mayor Earwood announced that this public hearing was continued from August 9, 2011.

Tom Bracket, attorney for the owner (Wells Fargo), was present to request additional time to bring the property into compliance. Mr. Bracket stated that Wells Fargo obtained access to property on August 15, 2011, following the eviction process. Council Members expressed concern over some health issues that exist inside the structure. It was mentioned but unconfirmed that the property may be a HUD property, in which case the City cannot proceed with enforcement until a new owner takes possession of the property. Inspector Sanders added that the City has performed some exterior code abatement and sent an invoice to Wells Fargo.

At 7:37 p.m. Mayor Earwood closed the public hearing.

11. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1205 CHURCHILL 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 Crews made the following motion "I move that the City Council find that the building(s) located at 1205 Churchill 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 building(s) is/ are feasible of repair and therefore ORDER the Buildings be repaired BY THE OWNER within 90 days 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 Sec 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 90 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 that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and 4) further ORDER that the RECORD OWNER be responsible to remove all of the junk and debris from inside the substandard building that constitutes being a possible public health nuisance within 14-days from August 23, 2011 in order to avoid further enforcement action; 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." Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

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

12. CONSIDER APPROVAL OF **ORDINANCE # 899-2011** REPEALING ORDINANCE # 894-2011 THAT AMENDED CHAPTER 8 "OFFENSES AND NUISANCES" BY CREATING ARTICLE 8.08 "PROHIBITIONS OF AUDIO AND VIDEO RECORDERS INSIDE MUNICIPAL BUILDINGS"

It was reported that Judge Vogel has requested that the ordinance prohibiting audio and video recorders in Municipal Buildings be repealed at this time.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance # 899-2011, repealing Ordinance # 894-2011. All voted "Aye."

13. **CONSIDER APPROVAL OF RESOLUTION # 708-2011 WAIVING PERMIT FEES FOR WORK PERFORMED UNDER THE CHRISTMAS IN ACTION PROGRAM**

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution # 708-2011 with the stipulation that permits must be still obtained although they are at no charge. All voted "Aye."

STAFF REPORT:

14. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

Inspector Sanders gave the following updates on substandard properties:

- 4833 OHIO GARDEN RD. – This property is under a District Court 90-day order to comply. David Vega has withdrawn his power of attorney and removed himself from any responsibility.
- 1129 ST. EDWARDS – No change to report. This property may be for sale on the court house steps in October. Attorney Woods stated that if the property is not purchased it may be struck off to the taxing entities.
- 1716 LAWTHOR – This property was discussed during agenda item #6.
- 5406 DARTMOUTH – Under Council order to repair within 30-days and double permit fees for working without a permit. No contact from the owner after failure to permit was mailed.
- 5314 AMHERST – Under Council order to repair the property within 180-days with monthly progress checks.

15. **REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 5311 CORNELL – New owner has paid the substandard fee. Active permits include a building permit and electrical permit that expire September 22, 2011.
- 4821 ALMENA – Continual progress with only painting and carpeting remaining. Work must be complete and obtain a certificate of occupancy by October 17, 2011.
- 1712 LAWTHOR – Christmas in Action is working with the owner to bring the property into compliance. The plumbing and electrical are up to code. Work must be complete by February 23, 2011. Tarrant County is also involved in the repair of this property.
- 5414 BAYLOR - HUD property, no enforcement action until ownership changes.

- 720 WINTERS – Owner has paid the substandard fee and a building permit has been issued that expires December 7, 2011.
- 4904 LAWThER – Owner has paid the substandard fee. Active permits include a building permit and plumbing permit that expire August 30, 2011.
- 1205 CHURCHILL – This property was discussed during agenda items #10 and #11.
- 1629 HILLSIDE – Owner must pay the substandard fee and present a plan of action by September 9, 2011.
- 1713 LONG AVE. – This property is in compliance with an approved certificate of occupancy.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

16. **POLICE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED.

No discussion or action.

17. **FIRE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

FC Short reported that Steve Sanders and Daniel Blankenship have been accepted into the River Oaks Fire Department.

FC Short reported that the Fire Department has been conducting extensive training.

18. **INSPECTIONS AND CODE COMPLIANCE MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.**

No discussion or action.

19. **LIBRARY MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

No discussion or action.

20. **MUNICIPAL COURT** INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES.

No discussion or action.

21. **PUBLIC WORKS MONTHLY ACTIVITY REPORT** INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS

REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS.

No discussion or action.

22. **PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD.

No discussion or action.

23. **COMMUNITY CENTER ACTIVITY REPORTS** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES.

No discussion or action.

24. **CITY SECRETARY MONTHLY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

No discussion or action.

25. **EDC MONTHLY ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS.

No discussion or action.

26. **STORM WATER TASK FORCE MONTHLY ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION.

No discussion or action.

PUBLIC FORUM:

27. 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**

PWD Hatley reported that the contractor is in the process of installing the solar panels over the Fire Department portion of the City Hall.

EXECUTIVE SESSION:

28. 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: **Litigation on substandard property at 4833 Ohio Garden Rd.**
- 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 8:04 p.m. Mayor Earwood convened into executive session under 551.071-Pending or contemplated litigation on substandard property at 4833 Ohio Garden Rd.]

RECONVENE:

[At 8:19 p.m. Mayor Earwood reconvened into regular session.]

29. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.


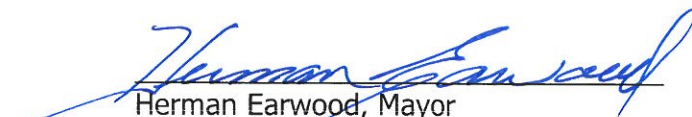
ADJOURN:

30. ADJOURN

At 8:20 p.m. Mayor Pro Tem Gordon moved, seconded by CM Minter, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary
Herman Earwood, Mayor