

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 25, 2014**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER (AT 7:04 P.M.)
FIRE CHIEF CHRIS HAWKINS (AT 7:18 P.M.)
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE COMPLIANCE OFFICER JOHN PAUL JONES
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, February 25, 2014 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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- Poison Prevention Week

Mayor Earwood read a proclamation declaring March 16 – March 22, 2014 as Poison Prevention Week.

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 FEBRUARY 11, 2014 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 25, 2014 (FY 2014)

C. APPROVE RECOMMENDATION TO HIRE ROBERT CANTU AS THE WARRANT OFFICER IN THE POLICE DEPARTMENT

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve consent agenda items A, B, and C. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 THE 2012-2013 FISCAL YEAR AUDIT REPORT AND PROPOSAL FOR THE 2013-2014 FY AUDIT AS PRESENTED BY WILLIAM SPORE, CPA

Bill Spore was present to answer questions, stating that the max fee for audit services would remain the same as the previous year.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the 2012-2013 Fiscal Year Audit Report and Proposal for the 2013-2014 FY Audit. All voted "Aye."

8. PRESENTATION BY DAN KESSLER, ASSISTANT DIRECTOR OF TRANSPORTATION AT NCTCOG REGARDING STATE HIGHWAY 183 PLANNING FOR THOROUGHFARE IMPROVEMENTS TO ENHANCE MOBILITY, ACCESSIBILITY, AND ECONOMIC DEVELOPMENT

Dan Kessler showed a PowerPoint and gave an update on the State Highway 183 Corridor Master Plan. Mr. Kessler shared the goal which is to work with local governments, community members, business owners and citizens to develop a workable master plan. The portion of the project that is in River Oaks is estimated to cost \$100,000 with NCTCOG paying half and the City of River Oaks paying half.

No action was taken.

9. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 1459 GLENWICK DR. AS REQUESTED BY JOHN C. HALE

A representative was not present.

CCO Jones explained that Mr. Hale immediately abated multiple code violations on his property that were caused by a tenant. CCO Jones presented the request to install hardiboard vertically on the exterior of the structure. Council Members agreed that vertical hardiboard does not produce the desired results.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve horizontal plank Hardiboard, installed horizontally at 1459 Glenwick. All voted "Aye."

10. CONSIDER APPROVAL OF REQUEST SUBMITTED BY JOSE L. INFANTE TO ERECT A FENCE ABOVE 4-FOOT IN HEIGHT IN FRONT OF BUILDING LINE AT 2122 SANSOM CIRCLE PURSUANT TO SECTION 21C.3.a.i OF THE CITY'S ZONING ORDINANCE

A representative was not present.

No action was taken.

11. CONSIDER APPROVAL FOR EXTENSION OF SIGN PERMIT FOR SPECIAL PURPOSE SIGNAGE TO DISPLAY THE STATUTE OF LIBERTY BALLOON AT 4833 GREEN OAKS UNTIL APRIL 15, 2014

Scott Kirk, Liberty Tax representative, requested to leave a temporary balloon at this location until April 15, 2014 which is through the end of tax season.

CM Ashton moved, seconded by Mayor Pro Tem Gordon, to extend the sign permit for special purpose signage to display the Statue of Liberty balloon at 4833 Green Oaks until April 15, 2014. All voted "Aye."

12. CONSIDER APPROVAL OF THE RACIAL PROFILING REPORT AS PRESENTED BY POLICE CHIEF AVIN CARTER

It was requested that this agenda item be removed until further research is complete.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1603 NANCY LANE**

At 7:54 p.m. Mayor Earwood opened the public hearing.

CCO Jones showed photos and described significant health, sanitation, structural, electrical, and plumbing deficiencies that constitute hazardous conditions. Ingress and egress are obstructed due to trash and debris. Staff has secured the property. CCO Jones requested an order to abate the exterior violations. CCO Jones testified that the structure is not feasible of repair. FC Hawkins suggested that the electric meter be pulled.

An attorney for the lienholder was present to explain that the property was part of a bankruptcy and is now in foreclosure. He stated that an appraiser would not even enter the property due to the condition. The attorney stated that the property "may not be worth saving and the City may get stuck with it." The attorney stated that the foreclosure process could last several months.

At 8:18 p.m. Mayor Earwood closed the public hearing.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1603 NANCY LANE** 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 made the following motion "I move that that the City Council find that the building located at 1603 Nancy Lane 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, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the building is/are infeasible of repair and therefore ORDER the OWNER of RECORD to demolish or remove the building(s) and all debris from the property within 30-days from the date of the Public Hearing and the LIENHOLDER or MORTGAGEE of RECORD, if any, to within an additional 30-days if the OWNER of RECORD does not comply; and 3) if the OWNER of RECORD fails to demolish or remove the buildings including all accessory buildings within 30-days from the date of the public hearing and the LIENHOLDER or MORTGAGEE of RECORD, if any, to within an additional 30-days if the OWNER of RECORD does not comply, the city shall demolish the buildings at its expense and place a lien on the property to recover its costs. And further order the property secured, the exterior issues abated immediately and the electric meter removed." Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

15. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 603 OAKLAWN DR.

At 8:22 p.m. Mayor Earwood opened the public hearing.

CCO Jones showed photos and described significant health, sanitation, structural, electrical, and plumbing deficiencies that constitute hazardous conditions. CCO Jones testified that the structure is not feasible of repair and recommended demolition. Secretary Stewart noted that the lienholder, Wells Fargo, has signed for the certified letters but has not contacted staff.

At 8:38 p.m. Mayor Earwood closed the public hearing.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 603 OAKLAWN 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

CM Ashton made the following motion "I move that that the City Council find that the building located at 603 Oaklawn 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, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the building is/are infeasible of repair and therefore ORDER the OWNER of RECORD to demolish or remove the building(s) and all debris from the property within 30-days from the date of the Public Hearing and the LIENHOLDER or MORTGAGEE of RECORD, if any, to within an additional 30-days if the OWNER of RECORD does not comply; and 3) if the OWNER of RECORD fails to demolish or remove the buildings including all accessory buildings within 30-days from the date of the public hearing and the LIENHOLDER or MORTGAGEE of RECORD, if any, to within an additional 30-days if the OWNER of RECORD does not comply, the city shall demolish the

buildings at its expense and place a lien on the property to recover its costs." Motion seconded by CM Butler. All voted "Aye."

17. **PUBLIC HEARING:** SITE PLAN APPLICATION AS SUBMITTED BY DAVID LEWIS BUILDERS TO CONSTRUCT A NEW 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE ROCKWOOD TERRACE ADDITION DESCRIBED AS BEING BLOCK 5, LOT 8 (1638 SHENNA BLVD.) AND A SECOND 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT DESCRIBED AS BEING BLOCK 5, LOT 9 (1634 SHENNA BLVD.); (ZONING CASE # PZ 2014-0002) **(APPLICATION HAS BEEN WITHDRAWN)**

Mayor Earwood announced that this application has been withdrawn by the applicant.

No action was taken.

OTHER ITEMS POSSIBLY REQUIRING COUNCIL ACTION:

18. DISCUSSION AND/OR ACTION ON RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION TO REZONE PROPERTIES DESCRIBED AS BEING BLOCK 5, LOTS 7, 8, 9, & 10 IN THE ROCKWOOD TERRACE ADDITION FROM C-3 COMMERCIAL TO R-2 SINGLE-FAMILY ZONING

CS Gregory relayed the recommendation of the Planning and Zoning Commission to rezone the properties on Shenna Boulevard in Block 5, Lots 7 through 10 in the Rock Wood Terrace Addition to residential since it is adjacent to residential property on both sides. Council directed Staff to proceed with public hearings to rezone the property.

No action was taken.

19. CONSIDER APPROVAL TO REFUND SITE PLAN APPLICATION FEE TO DAVID LEWIS BUILDERS DUE TO APPLICATION BEING WITHDRAWN

It was recommended to refund the site plan application fee to David Lewis since the request was withdrawn.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to refund the site plan application fee. All voted "Aye."

20. DISCUSSION AND/OR ACTION REGARDING SUBSTANDARD PROPERTY ABATEMENT AT 933 CARONDOLET AS AMENDED ON JANUARY 14, 2014 FOR 60-DAYS

CCO Jones gave an update, stating that progress continues, the substandard fee has not been paid and the electrical permit has not been obtained.

No action was taken.

21. DISCUSSION AND/OR ACTION ON THE SEPTEMBER 24, 2013 COUNCIL ORDER TO BRING PROPERTY INTO COMPLIANCE AT 916 GILHAM

Dawn Sutherland, property owner's daughter, and Dustin Casper reported that they have obtained bids for demolition of the accessory building. CM Ashton asked if the project would be complete by the March 24, 2014 deadline to which Mr. Casper responded "that is the goal". Ms. Sutherland requested an extension until April 1, 2014.

CM Ashton moved, seconded by Mayor Pro Tem Gordon, to amend the September 24, 2014 council order to allow an extension from March 24, 2014 until April 1, 2014 to demolish the accessory building with weekly progress checks. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

22. CONSIDER APPROVAL OF **ORDINANCE # 1015-2014** AMENDING ARTICLE 13.04 "SEWER SYSTEM"; SECTION 13.04.013 SEWER SERVICE RATES OF THE RIVER OAKS CODE OF ORDINANCES BY REVISING SECTION 13.04.013 (c) "APARTMENT CLASS CUSTOMERS"

CS Gregory stated that after a complete analysis on the sewer rates for River Ranch Apartments, it was discovered that the commercial sewer rate is still being charged. Gregory explained that in 2008 an apartment class rate was proposed and approved by the Council that was 15% less than the commercial rate. CS Gregory added that this led to an analysis of the actual costs incurred by the City for treatment and collection which revealed a profit margin of approximately \$20,000 annually. CS recommended adjusting the base rate to \$24 instead of the current \$36.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance #1015-2014. All voted "Aye."

23. CONSIDER APPROVAL OF **ORDINANCE # 1020-2014** AMENDING THE 2013-2014 FY BUDGET FOR EXPENDITURE OF FIRE DEPARTMENT DOLLAR DONATION FUNDS

FC Hawkins requested no action on this item.

No action was taken.

24. CONSIDER APPROVAL OF **ORDINANCE # 1021-2014** AMENDING THE FY 2013-2014 E.D.C. BUDGET FOR EXPENDITURE OF EDC FUNDS FOR PROMOTIONAL

Mayor Pro Tem Gordon explained that this is to fund the annual car show.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance #1021-2014. All voted "Aye."

STAFF REPORTS:

CCO Jones gave the following reports on substandard properties:

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

- 809 GUSTAV – The order expired February 14, 2014. The building, plumbing, & electrical permits have been approved. The Certificate of Occupancy is pending approval. The pool violation has been abated.
- 604 FRONTIER ST. – There has been no contact from owner or the bank. This will be presented at the next regular meeting of the City Council to consider amending the civil penalties.
- 933 CARONDOLET – Refer to agenda item 20.
- 1005 Keith Pumphrey – City staff has secured the property which is now vacant and all utilities have been disconnected. Staff has allowed the former occupants controlled access during the daytime to remove personal belongings.

No action was taken.

26. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 1223 ROBERTS CUT OFF RD. – This is a vacant commercial property. Staff has approved the engineered drawings for the roof and the updated plan of action. This order expires June 6, 2014.
- 1029 YALE ST. – The main structure has been demolished and the two accessory structures will be removed by the permit expiration of March 7, 2014.
- 603 OAKLAWN – Refer to agenda items 15 and 16.
- 5516 N. SCHILDER – The owner has paid the substandard fee and obtained a building permit that expires March 12, 2014. This property will be presented to Council for an order on March 25, 2014 if sufficient progress is not made.
- 1603 NANCY LANE – Refer to agenda items 13 and 14.
- 5100 Almena – This property was damaged by fire and restoration plans have been submitted to staff.
- 4808 Blackstone - This property was damaged by fire. No permits have been obtained. A restoration company has begun cleanup.

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

27. 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

PC Carter announced that the police department is fully staffed.

CM Butler described a situation in which the Officer Tobar went above and beyond the call of duty in the absence of the Animal Control Officer.

No action was taken.

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

FC Hawkins stated that the fire on Almena was caused by a faulty dishwasher and the fire on Blackstone Drive was caused by an iHome – iPhone charger.

FC Hawkins announced the Fire Department Banquet that would be held on March 1, 2014 at the Community Center at 7:00 p.m.

No action was taken.

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

No discussion or action.

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

No discussion or action.

31. 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.

32. 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.

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

No discussion or action.

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

No discussion or action.

35. 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.

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

Refer to public comments for this report.

No action was taken.

37. MARKETING ACTIVITIES REPORT FROM MUNDO AND ASSOCIATES INCLUDING BUSINESS RETENTION AND EXPANSION, MARKETING FOR NEW DEVELOPMENT, SHOP RIVER OAKS TEXAS, FACEBOOK AND TWITTER ACCOUNTS

No discussion or action.

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

No discussion or action.

39. EMERGENCY MANAGEMENT ACTIVITY REPORT INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

James Myrick, EMC Coordinator, stated that several public works employees attended a storm spotter program. Mr. Myrick gave an update on the CASA Weather program. Mr. Myrick gave an update on the flu epidemic.

No action was taken.

PUBLIC FORUM:

40. 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

Nancy Crews announced the annual Castleberry Cares Health Fair will take place on March 22, 2014 at A.V. Cato Elementary.

James Myrick announced a weather symposium at the Community Center on March 18, 2014 at 7:00 p.m.

Mayor Pro Tem Gordon presented the EDC report (agenda item 36) that included a meeting with the VP of Baylor All Saints regarding a medical facility, a meeting with Paul Payne and Marty Leonard, and a meeting with Luis Pena regarding developments including Dollar Tree.

Sherrie Dast gave Charles Barbee's (Babe's Chicken) card to EDC President JoAnn Gordon and suggested Pam Mundo contact him.

EXECUTIVE SESSION:

41. 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:

42. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


None.

ADJOURN:


43. ADJOURN

At 9:39 p.m. CM Ashton moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor