

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 14, 2014**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND (AT 7:02 P.M.)
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER JOE ASHTON

MEMBERS ABSENT:

MAYOR PRO TEM JOANN GORDON (ILLNESS)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
POLICE CHIEF AVIN CARTER
CODE COMPLIANCE OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
TRANSLATOR CELINA MORENO
FIRE CHIEF CHRIS HAWKINS
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD

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 14, 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) AND SPECIAL PRESENTATIONS 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION**

A. MINUTES OF DECEMBER 10, 2013 REGULAR MEETING

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 14, 2014 (FY 2014)

C. RATIFY APPROVAL OF ANNUAL ANIMAL SHELTER AGREEMENT WITH CITY OF SANSOM PARK.

D. RESIGNATION OF CAREY ERVIN AS HEAVY EQUIPMENT OPERATOR IN SANITATION DEPARTMENT

E. RESIGNATION OF TUESDAY COOLEY AS PLACE 3 MEMBER ON ZBA

CM Crews removed consent agenda item C for separate deliberation.

CM Crews, seconded by CM Ashton, to approve consent agenda items A, B, D and E as presented. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

CM Crews pointed out items in the contract that the City of Sansom Park was not performing. PC Carter explained those small items could be worked out between the two cities.

CM Crews moved, seconded by CM Butler, to approve consent agenda item C. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST AS 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.

Inspector Jones explained there is a unique situation with this property in that this lot is a through-lot with frontage on two streets, which according to the zoning ordinance both frontages are considered to be front yards and both must meet the front yard setback requirements for this particular zoning district. The drive approach on this property is on Sansom Circle but the adjacent properties drive approaches are on Roberts Cut Off. Jones stated that the proposed fence would not create a visibility problem. It was decided that staff would contact the applicant and bring this agenda item back to the council at the next regular meeting if necessary.

No action was taken.

8. CONSIDER APPROVAL OF REQUEST BY LINDA FERGUSON AT 5516 ASBURY DR. TO BE EXEMPTED FROM THE PROVISIONS PERTAINING TO SEC. 3.07.015 OF THE RIVER OAKS CODE AS AMENDED THAT REQUIRES A MINIMUM ELECTRIC SERVICE RATING OF 100 AMPERES AND ALSO REQUEST TO EXTEND TIME LIMITS FOR COMPLIANCE

Linda Ferguson and her daughter were present to request additional time to install a 100 amp electrical service as required on the certificate of occupancy inspection checklist.

Mayor Earwood commented that conditional certificate of occupancies should not be issued. Inspector Jones explained that a conditional status is given if there are not any violations that directly affect the safety and life of the occupants.

CM Butler moved, seconded by CM Ashton, to give 6 months to the applicant to get a 100 amp electrical box. All voted "Aye."

Inspector Jones verified that all other items on the certificate of occupancy checklist must be completed and verified prior to the issuance of the six month permit.

9. DISCUSSION AND/OR ACTION ON UPCOMING COMMUNITY CENTER EVENTS:

A video was show of the River Oaks Float that participated in the Fort Worth Holiday Parade.

Co-directors Shirley Wheat and Shirley Bloomfield gave updates on the following:

- i. Free Math Class – classes have been mildly successful and will continue.
- ii. Jam Session – to be held on Thursdays from 6-9 p.m. beginning January 16, 2014.
- iii. Creative Needlework Group – to be held on Mondays beginning January 20, 2014. This group will knit caps for babies and dolls for children at a local hospital.
- iv. City-Wide Garage Sale & Farmers Market – to be held in May on a Thursday, Friday and Saturday with spaces available for a refundable deposit. City Staff will not collect any money or provide change at this event. Vendors are informed by staff to obtain any required health permits.
- v. Update on upcoming events – None.

No action was taken.

10. CONSIDER APPROVAL OF EMERGENCY WATER LINE IMPROVEMENTS BY TEJAS CONSTRUCTION ON YALE STREET

CS Gregory presented the request of staff to delay the construction of the proposed new waterline on Yale in order to maintain the current reserve balance to insure adequate funding in the event of a more critical emergency repair to the water system than this one that can't be put off and has to be done during this current budget year. Staff added that the replacement of the line on Meandering Road has solved much of the dirty water problems on Yale.

No action was taken.

11. CONSIDER APPROVAL TO AMEND THE DECEMBER 11, 2012 SUBSTANDARD BUILDING ORDER ON THE SUBSTANDARD PROPERTY AT 809 GUSTAV

Inspector Jones reported the substandard fee paid and permits have been obtained with significant progress. The contractor has indicated to staff that 30 days would be sufficient to complete the repairs.

CM Crews moved, seconded by CM Ashton, to extend the building order on the substandard property at 809 Gustav for 30-days. All voted "Aye."

12. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER OF SEPTEMBER 10, 2013 AS AMENDED ON NOVEMBER 12, 2013 ON THE SUBSTANDARD PROPERTY AT 5016 WHITE OAK LANE

Inspector Jones reported this property is in compliance and no further action is requested.

No action was taken.

13. CONSIDER APPROVAL OF PAYROLL DEDUCTION FOR FIREARM PURCHASE BY POLICE OFFICERS

PC Carter explained that this has been done annually for a few years with no reported issues.

CM Ashton moved, seconded by CM Butler, to approve the payroll deduction for firearm purchases as presented. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

14. **ADMINISTRATIVE HEARING:** PURSUANT TO SECTION 3.07.013013 OF THE RIVER OAKS CODE OF ORDINANCES IN ORDER TO ASSESS A CIVIL PENALTY AGAINST THE PROPERTY OWNER AT **933 CARONDOLET CT.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SECTION 3.07.007 OF THE RIVER OAKS CODE OF ORDINANCES (2006)

At 7:55 p.m. Mayor Earwood opened the administrative hearing.

Jeffrey McKinney, owner at 933 Carondolet, explained that due to a financial hardship it has prevented him from complying with the council order. Mr. McKinney stated that he has cleaned up the property and performed pest extermination. Mr. McKinney requested 60-days to obtain proper permitting and complete the repairs. Inspector Jones concurred with the 60-day extension provided that owner schedule weekly progress checks. CM Crews explained to Mr. McKinney that a plan of action is the required next step. Mr. McKinney stated that he could hire the plumber within 30-days. CM Crews cautioned Mr. McKinney to stay in contact with staff.

At 8:08 p.m. Mayor Earwood closed the administrative hearing.

15. **ACTION FROM THE ADMINISTRATIVE HEARING:** CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT **933 CARONDOLET CT.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SECTION 3.07.007 OF THE RIVER OAKS CODE

CM Crews moved, seconded by CM Butler, to extend the order on 933 Carondolet for additional 60-days from today with required weekly inspections.

Mr. McKinney indicated that he would obtain a permit by Monday.

All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF **ORDINANCE # 1012-2013** AMENDING ARTICLE 4.07 "WRECKERS AND WRECKER COMPANIES" OF THE RIVER OAKS CODE OF ORDINANCES

PC Carter recommended approval of the ordinance regulating wreckers and requiring a certificate be displayed in each of the wreckers.

CM Crews moved, seconded by CM Ashton, to approve Ordinance #1012-2013. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE # 1013-2014** AMENDING THE 2013-2014 FISCAL YEAR BUDGET FOR EXPENDITURE OF FIRE DEPT. DOLLAR DONATION FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

No discussion occurred.

CM Butler moved, seconded by CM Holland, to approve Ordinance #1013-2014. All voted "Aye."

18. CONSIDER APPROVAL OF **ORDINANCE # 1014-2014** AMENDING THE 2013-2014 FISCAL YEAR BUDGET FOR UNPLANNED EXPENDITURES TO THE CITY FLEET; AND PROVIDING AN EFFECTIVE DATE

CS Gregory requested to purchase beds for the new trucks that were recently purchased under the T.E.R.P. Grang at a cost of approximately \$29,200 after the trade in of the old beds.

CM Holland moved, seconded by CM Crews, to approve Ordinance #1013-2014. All voted "Aye."

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**

Kelly Hooper noted that the landscaping at Burger King requires attention.

CM Holland pointed out multiple pole lights on River Oaks Boulevard are not working.

CS Gregory stated that staff should receive plans for Dollar Tree in the next week.

It was announced that Title Max has submitted a site plan that will be presented to the City Council and the Planning and Zoning Commission this month. FC Hawkins cautioned that this type of business has been known to create used car lots in their parking lot. CS Gregory replied that is not allowed according to the zoning ordinance.

EXECUTIVE SESSION:

20. 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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney: **Multiple City Merger for Fire Service.**
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.
- Section 551.076 Deliberation regarding security devices

At 8:24 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.

RECONVENE:

At 9:11 p.m. Mayor Earwood reconvened into regular session.

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.


ADJOURN:

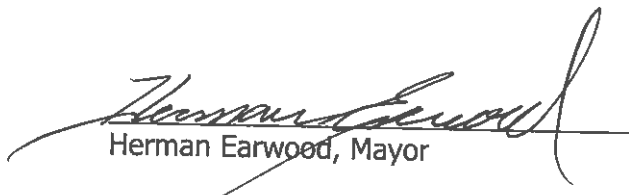
22. ADJOURN

At 9:14 p.m. CM Holland moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary


Herman Earwood, Mayor