

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 10, 2013**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
FIRE CHIEF CHRIS HAWKINS
CODE COMPLIANCE JOHN PAUL JONES
C.C. DIRECTOR SHIRLEY BLOOMFIELD
C.C. DIRECTOR SHIRLEY WHEAT
CODE COMPLIANCE JOHN PAUL JONES
RECORDING SECRETARY CELINA MORENO

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, September 10, 2013, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Code Compliance Jones delivered the Invocation.

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

Code Compliance Jones led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

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 REGULAR COUNCIL MEETING AUGUST 27, 2013

B. BILL PAYABLE FOR PERIOD ENDING SEPTEMBER 10, 2013

CM Crews pointed out two corrections needed to be made to the Council Meeting Minutes from August 27, 2013; on page 2, replace Mayor Pro Tem Crews with CM Crews and update the date on the header of each page.

CM Crews moved, seconded by CM Butler to approve consent agenda items A and B with a couple of corrections on A. All voted "Aye"

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. DISCUSSION AND/OR ACTION REGARDING THE STANDARD AND POOR GENERAL OBLIGATION FINANCIAL RATING REPORT AS BEING PRESENTED BY CRAIG CUNNINGHAM OF WELLS AND NELSON.

Mr. Cunningham congratulated the City of River Oaks for the rating upgrade. He announced that Standard & Poor's Ratings Services raised its long-term rating on River Oaks, Texas' general obligation debt to AA- from A+.

No action taken.

8. CONSIDER APPROVAL OF **RESOLUTION # 776-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR ONE FAITH CHURCH TO HOLD A CHURCH HARVEST FESTIVAL.

Pastor Lorenzo Perez presented plans for a Fall Festival which would include music, food and games. If approved it would be held on October 31, 2013 from 6 – 8:30 pm on the parking lot at 1200 Roberts Cut Off Rd.

Mayor Pro Tem Gordon stated that they would need a health permit from City of Fort Worth Texas for the food service. CM Crews recommended he meet with the Police Chief in regards to parking.

Mayor Pro Tem Gordon moved, seconded by CM Crews to approve Resolution # 776-2013. All voted "Aye"

9. DISCUSSION AND/OR ACTION ON PLANS FOR CITY CHRISTMAS PARADE EVENT.

Community Center Co-Directors Shirley Bloomfield and Shirley Wheat presented plans for City of River Oaks Christmas Parade 2013. They presented a new route that will start at the new Castleberry Elementary School parking lot and end at the Community Center. Also new this year will include a \$10 participation fee which will benefit needy families in our community. The registration deadline is October 15, 2013 in order for the city to hold the parade.

CM Crews suggested promoting the Parade by posting it on the City Hall Sign. CS Gregory offered to post it on the city web page and will send letter to the church and school to request the use of the parking lots.

Co-Directors also announced that Parker Hannifin will be donating toys to the City of River Oaks to be donated to needy families in our community.

Motion together with next agenda item.

10. CONSIDER APPROVAL FOR CITY TO PARTICIPATE IN THE FORT WORTH CHRISTMAS PARADE.

Community Center Co-Directors Shirley Bloomfield and Shirley Wheat presented plans for the City of River Oaks to participate in the Fort Worth Christmas Parade which will be held Friday November 29, 2013. Registration will cost approximately \$65 and they anticipate about \$300 for expenses.

Mayor Earwood stated it would be a great way to promote River Oaks and to present our new logo.

Mayor Pro Tem Gordon moved, seconded by CM Crews to approve plans for City of River Oaks Christmas Parade as presented and approve the participation in Fort Worth Christmas Parade not to exceed \$400. All voted "Aye"

11. CONSIDER APPROVAL OF CONTRACT WITH FORT WORTH FOR HAZARDOUS WASTE COLLECTION FOR FY 2014.

CS Gregory stated that the cost per household for FY2014 is \$47 per household for waste dropped off at Fort Worth's Environment Collection Center or during a mobile collection event scheduled for our City.

Mayor Pro Tem Gordon moved, seconded by CM Ashton to approve to contract with Fort Worth for Hazardous Waste Collection for FY 2014. All voted "Aye"

12. CONSIDER APPROVAL OF THE FINAL RECONCILIATORY CHANGE ORDER ON THE SHEAR STORM WATER DRAINAGE AND PAVEMENT PROJECT.

Project Engineer Michael Thomas stated that the reconciliatory change order is now complete with cost in the amount of \$717.

Mayor Pro Tem Gordon moved, seconded by CM Crews to approve the final reconciliatory change order on the Shear Storm Water Drainage and Pavement Project. All voted "Aye"

PUBLIC HEARING / ACTION FROM PUBLIC HEARINGS:

13. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2013-2014 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS.

At 7:44 P.M. Mayor Earwood opened the Administrative hearing.

CS Gregory summarized the expenditures in the General Fund to be \$4,301,940 and projected revenues to be \$4,301,940 for a balanced budget. CS Gregory summarized

the expenditures in the Water Fund to be \$2,825,066 and projected revenues to be \$2,825,066 for a balanced budget.

In the Economic Development Corporation Budget, expenditures to be \$216,850 with \$175,200 in revenues for a deficit budget of \$41,650. CS Gregory stated there were sufficient funds in the Reserve Account to offset the deficit. In Crime District Budget, expenditures to be \$161,433 with revenue projections of \$172,550 for a budget balance in the black by \$11,117. Storm Water Fund has expenditures of \$146,050 and revenues of \$146,050 for a balanced budget.

At 7:53 P.M. Mayor closed the Administrative hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF **ORDINANCE # 993-2013** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014.

CM Holland moved, seconded by Mayor Pro Tem Gordon to approve Ordinance # 993-2013 adopting the FY 2014 Operating Budgets of the City. All voted "Aye"

15. **PUBLIC HEARING:** CONSIDER APPROVAL OF ADOPTING THE AD VALOREM EFFECTIVE TAX RATE OF \$0.850351 PER \$100 OF PROPERTY VALUE FOR FISCAL YEAR 2013-2014 THAT WOULD IMPOSE THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.

At 7:54 P.M. Mayor Earwood opened the Public Hearing.

CS Gregory stated that the proposed tax rate for 2013-2014 is the effective tax rate of \$0.850351 per \$100 which is based on a 2.1 % property value increase from last year. When the value goes up, the effective tax rate goes down and for that reason the 2013 effective tax rate dropped to \$0.850351 from \$0.856519 last year.

An average market value of a home is \$68,444 up from \$67,949 last year therefore the amount of taxes imposed this year on an average home would be \$550.16 at the effective tax rate of \$0.850351.

If the city approves this year's effective tax rate of \$0.850351 the projected revenues at a 98% collection rate would be \$1,509,412 + \$343,526.00 (tax freeze/disability) for a total revenue projection of \$1,852,938.

At 7:57 P.M. Mayor Earwood closed the Public Hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 994-2013** AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014 AT A RATE OF \$0.850351 PER \$100 OF PROPERTY VALUE THAT IMPOSES THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.

CM Holland moved, seconded by CM Crews to approve Ordinance # 994-2013 adopting the effective tax rate of \$0.850351 for the 2013 tax year. All voted "Aye"

17. ADMINISTRATIVE HEARING CONTINUED FROM AUGUST 27, 2013: 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 809 GUSTAV FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SECTION 3.07.007 OF THE RIVER OAKS CODE.

At 7:57 P.M. Mayor Earwood opened the Administrative Hearing.

City Attorney Elam stated that the property at 809 Gustav is under the control of HUD and has been since May. At this point beings HUD is a federal agency, the only action available to the council would be to adopt a Resolution imploring them to abate the substandard violations.

At 7:59 P.M. Mayor Earwood closed the Administrative Hearing.

18. ACTION FROM THE ADMINISTRATIVE HEARING: CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT 809 GUSTAV FOR FAILURE TO COMPLYWITH AN ORDER ISSUED BY THE BOARD PURSUANT TO SECTION 3.07.007 OF THE RIVER OAKS CODE OF ORDINANCES.

CM Crews moved, seconded by Mayor Pro Tem Gordon to approve Resolution 778-2013 imploring the U.S. Department of Housing and Urban Development to abate the substandard violations at 809 Gustav. All voted "Aye"

19. PUBLIC HEARING CONTINUED FROM AUGUST 27, 2013: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5016 WHITE OAK LANE.**

At 7:59 P.M. Mayor Earwood opened the Public Hearing.

Code Inspector Sanders obtained an Administrative Search Warrant to enter the property and to inspect it as directed at the August 27th Public Hearing. He testified that on September 5th he entered the property and took the pictures that were presented which show multiple violations. Based on his inspection, the structure is a danger to the health, safety and welfare of any occupants and the general public.

CM Crews stated that the house to be cleaned by the city if owner failed to comply to abate the public nuisance in the allotted time and asked if the house had the potential to be repaired. Code Inspector Sanders stated that it could be repaired, but the owner didn't seem to have the funds.

Neighbor, Calvin Carter testified to have mice infestation. Neighbor, James Ashley testified that the boat parked at 5016 White Oaks Lane has not been moved or used for the past 3 years.

Jack Adkison testified he witnessed about 13 cats at 5016 White Oak Lane property. Mayor Earwood recommends the City to give 10 days for the owner to comply with Code Violations.

At 8:21 P.M. Mayor Earwood closed the Public Hearing.

20. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDER ON THE PROPERTY AT **5016 WHITE OAK 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 Crews moved, seconded by CM Butler 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 the **structure(s) is/are feasible of repair and therefore moves to order that** the Buildings to be repaired BY THE OWNER OF RECORD within **60 days** and the LIENHOLDER OR MORTGAGEE OF RECORD to within an *additional 30 days* if the OWNER does not comply; and the commencement of repairs within **30-days**; and 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 or demolished by the Owner and the debris removed within **60 days from the date of the public hearing** 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 **60 days from the date of the public hearing**, 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 60 days** or by the Lienholder or Mortgagee of Record, if any, **within 90 Days** in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and Order that 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. **All voted "Aye". Motion Passes.**

ORDINANCES/ RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

21. CONSIDER APPROVAL OF **ORDINANCE NO. 995-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda Item #23.

22. CONSIDER APPROVAL OF **ORDINANCE NO. 996-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND LOCAL AMENDMENTS.

No discussion occurred.

Motion together with agenda Item #23.

23. CONSIDER APPROVAL OF **ORDINANCE NO. 997-2013** ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) AND LOCAL AMENDMENTS.

No discussion occurred.

Mayor Pro Tem Gordon moved seconded by CM Crews to approve Ordinance No. 995-2013 adopting the 2012 International Residential Code, Ordinance No. 996-2013 adopting the 2012 International Energy Conservation Code and Ordinance No. 997-2013 adopting the 2012 International Property Maintenance Code. All voted "Aye"

24. CONSIDER APPROVAL OF **RESOLUTION NO. 777-2013** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2013-2014 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

No discussion occurred.

CM Butler moved, seconded by Mayor Pro Tem Gordon to approve Resolution No. 777-2013. All voted "Aye"

PUBLIC FORUM:

25. 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**

EXECUTIVE SESSION:

26. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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: Advice from City Attorney regarding possible litigation on substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena 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, evacuation, 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:

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

28. ADJOURN

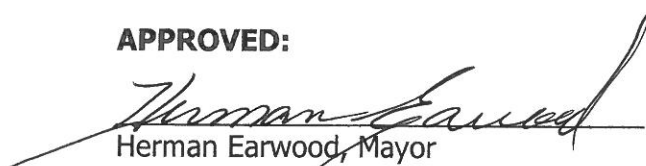
Fire Chief stated that they received a \$500 donation from Atmos Energy which they will use to improve Engine 313. Fire Chief also stated that Fire Department will be available for the Bonfire following the Homecoming parade.

CM Crews pointed out that a few signs were posted throughout the City and they needed to be removed immediately due to the bad condition.

CM Butler stated that she would like to see the Community Center purchase a professional sign that residents would recognize.

At 8:48 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary