

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 28, 2014**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

MAYOR HERMAN EARWOOD

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF CHRIS HAWKINS
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 Pro Tem Gordon called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, January 28, 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

EMC Myrick led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- School Board Appreciation Month

A proclamation was read declaring January 2014 as School Board Appreciation Month.

5. PRESENTATION OF THE "TEAMWORK AWARD" TO THE RIVER OAKS FIRE DEPARTMENT FOR ALL THEIR INCREDIBLE HELP DURING THE "ICE-MAGEDDON" EVENTS ON DECEMBER 5 – 10, 2013

Matt Zavadsky and Doug Hooten, MedStar representatives, presented Teamwork Award to the Fire Department for their assistance during the "Ice-Mageddon" ice storm in December 2013.

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 JANUARY 14, 2014 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 24, 2014 (FY 2014)

C. APPROVAL OF 1ST QUARTER FY 2014 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT.

D. APPROVAL OF 1ST QUARTER FY 2014 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT.

E. APPROVAL OF 1ST QUARTER FY 2014 INVESTMENT REPORT

F. APPROVE HIRING OF BUDDY SMITH AND ARTIS DENNIS AS HEAVY EQUIPMENT OPERATORS IN PUBLIC WORKS

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

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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

8. APPEARANCE OF ROYCE SHIELDS ABOUT CITY'S CONTINUED FUTURE SUPPORT OF THE CAR SHOW

Royce Shields requested that the annual car show be added back into the budget for subsequent years. The 2014 car show will be held at the Community Center on April 12, 2014 from 11:00 a.m. to 3:00 p.m.

CM Crews moved, seconded by CM Butler, to direct staff to add the annual car show into future budgets. All voted "Aye."

9. CONSIDER APPROVAL OF ANNUAL DELINQUENT TAX REPORT AS PRESENTED BY CHARLES BRADY OF PURDUE, BRANDON, FIELDER, COLLINS & MOTT L.L.P.

Caleb Perkins delivered the delinquent tax report, stating that as of January 8, 2014, there were 261 outstanding accounts totaling \$141,161.97 in delinquent taxes owed to the City.

CM Crews moved, seconded by CM Holland, to approve the annual delinquent tax report as presented. All voted "Aye."

10. CONSIDER APPROVAL OF **RESOLUTION # 787-2014** FOR SPECIAL EVENT ("JUNK OR TREAT") PERMITTING AT 4800 OHIO GARDEN ROAD. IN ORDER FOR THE RIVER OAKS UNITED METHODIST CHURCH TO HOLD A PARKING LOT SALE

Marty Wright, representative for River Oaks United Methodist Church, requested to hold parking lot sale at which they will rent spaces and tables to vendors, and hold a bake sale.

CM Butler moved, seconded by CM Ashton, to approve Resolution #787-2014 to allow River Oaks United Methodist Church to hold an outside event. All voted "Aye."

11. CONSIDER APPROVAL OF **RESOLUTION # 788-2014** AUTHORIZING E.S.&C.M. ENGINEERING TO RECOMMEND TO TARRANT COUNTY THE AWARD OF THE CONTRACT TO NO-DIG TEC, LLC FOR THE 39TH YEAR CDBG PROJECT AND PROVIDING A CITY PLEDGE OF \$10,000 DOLLARS TO THE PROJECT

CS Gregory presented the recommendation for the 39th year CDBG project to replace the sewer line in the Tulane/Sherwood area with the City pledge being \$30,000 as a maximum. CS Gregory mentioned that the CDBG grant is now on a two year cycle.

CM Crews moved, seconded by CM Ashton, to approve Resolution #788-2014. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE SITE PLAN APPROVAL AS SUBMITTED BY RIVER OAKS PROPERTIES JV IN ORDER TO CONSTRUCT A NEW 2,500 SQUARE FOOT COMMERCIAL BUILDING (TITLE MAX) ON THE PROPERTY AT 5060 RIVER OAKS BLVD. PURSUANT TO DEVELOPMENT REQUIREMENTS IN "C-2" COMMERCIAL ZONING DISTRICT. (*ZONING CASE # PZ 2014-0001*)

At 7:26 p.m. Mayor Pro Tem Gordon opened the public hearing.

CS Gregory stated that the plan rendering has been submitted as requested by the Planning and Zoning Commission but the landscape plan has not been received. CS Gregory added that although the Planning and Zoning Commission suggested a new concrete parking lot, the code allows the existing concrete to be capped with asphalt provided that it meets the compaction test requirements. CS Gregory stated that the storm water plans would be required to conform with the City's storm water management plan and permitting prior to the issuance of construction permits.

Jake Jordan, 50% partner or River Oaks Property Joint Venture, described the exterior of the building that would have natural stone columns and modified CMU blocks that meet the masonry requirement of the code of ordinances. Mr. Jordan responded to a question related to the pole sign, stating that Title Max is responsible for their own signage.

Planning and Zoning Members in attendance reviewed the plan rendering and voiced no opposition to the plan.

Mr. Jordan affirmed that the parking lot would not be used for the outside storage of repossessed vehicles. Council requested a signed affidavit from Title Max and Mr. Jordan acknowledging that no outside storage of vehicles would be allowed.

At 7:43 p.m. Mayor Pro Tem Gordon closed the public hearing.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL REGARDING A SITE PLAN PROPOSAL APPLICATION AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSE OF CONSTRUCTING A NEW 2,500 SQUARE FOOT TITLE MAX ON A 22,059 SQUARE FEET LOT LOCATED AT 5060 RIVER OAKS BLVD. IN A C-2 COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (*ZONING CASE # PZ 2014-0001*)

CM Holland moved, seconded by CM Butler, to approve the site plan for a 2,500 square foot building subject to staff approval of the storm water plan. All voted "Aye."

14. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1005 KEITH PUMPHREY**

At 7:45 p.m. Mayor Pro Tem Gordon opened the public hearing.

Inspector Sanders presented photos and pointed out hazardous electrical, plumbing and structural deficiencies on the property. Sanders stated that the property is occupied by a female and three children.

Robert Sheffield, owner financier, explained that he had financed the home for Mr. Cuevas and his family and has not received a payment since September (which was for July). Mr. Sheffield is in the process of foreclosing on the property.

At 7:59 p.m. Mayor Pro Tem Gordon convened into executive session under Section 551.071 to seek legal advice on a posted agenda item.

At 8:47 Mayor Pro Tem Gordon reconvened into regular session.

Mayor Pro Tem Gordon announced that this public hearing remains open and will be continued on February 11, 2014 at 7:00 p.m.

Steve Sanders, Building Inspector and Assistant Fire Chief, testified that that within the structure there exists improper and hazardous open electrical wiring that is bare electrical wiring split and frayed laying on combustible material that creates a potential and immediate fire hazard. Mr. Sanders also testified that the egress from the structure is inaccessible due to junk and debris blocking the rear exit and windows have been screwed shut that could entrap the occupants without means of escape in the event of a fire. Mr. Sanders further testified that there are holes in the ceilings where the A/C ducts were originally located that would provide an unobstructed passageway for fire flame spread which in case of a fire could result in death or injury to the occupants therein. Mr. Sanders in his professional opinion testified that the structure in its present condition is an eminent danger to any occupants therein and therefore, recommends that due to health and safety violations that the Board order the structure vacated and for the city to make recommendations to any occupants therein on the needs and preferences, if any, of displaced persons for relocation assistance; and pursuant to Sec.

3.07.004 of the River Oaks Code of Ordinances (2006) as amended any building constructed and still existing in violation of any provision of the City Building Code, Fire Code, International Residential Code, Life Safety Code, Plumbing Code, Mechanical Code, Electrical Code, or International Property Maintenance Code to the extent that the life, health, or safety of the public or any occupants is endangered shall be declared to be a Substandard Building and a Nuisance.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1005 KEITH PUMPHREY** 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 Holland made the following motion "I find 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 based on the testimony of Steven Sanders, the City Building Inspector and commissioned Fire Inspector, finds the structure to be inhabitable and unfit for human occupancy and therefore order 1) the structure at 1005 Keith Pumphrey Dr. be vacated in a time not to exceed 10-days from the date of this hearing (January 28, 2014) and directs city staff to contact the applicable state or county department regarding an advisory service agency charged with the recommendation for the relocation of displaced persons; and 2) all utilities to the structure at 1005 Keith Pumphrey Dr. be disconnected as soon as possible; and 3) if the structure is not vacated within 10-days from the date of the January 28, 2014 public hearing, the occupants shall be vacated by the Administrative Search Warrant upon issuance by the Municipal Court Judge; and 4)that the January 28, 2014 Public Hearing remain open until Tuesday, February 11, 2014 at 7:00 P.M. in order for the Board to consider further orders to abate the substandard violations cited from the January 23rd substandard checklist by the City's Building Inspector after all occupants have been vacated." Motion seconded by CM Crews. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF **ORDINANCE # 1016-2014** AMENDING ARTICLE 8.02 "MINORS" OF THE RIVER OAKS CODE OF ORDINANCES BY INCORPORATING DIVISION 4 "TOBACCO PRODUCTS AND ELECTRONIC VAPING DEVICES"

PC Carter requested approval of the ordinance that would restrict the sale and possession electronic vaping devices specifically with regard to minors.

CM Crews moved, seconded by CM Butler, to approve Ordinance #1016-2014. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE # 1017-2014** AMENDING ARTICLE 12.08 "PARADES" SPECIFICALLY IN SECTION 12.08.001 "DEFINITIONS" OF THE RIVER OAKS CODE OF ORDINANCES

CS Gregory summarized the changes to the definitions in the parade ordinance.

CM Butler moved, seconded by CM Ashton, to approve Ordinance #1017-2014. All voted "Aye."

STAFF REPORTS:

Inspector Sanders gave the following reports on substandard properties:

18. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 809 GUSTAV – There is an active building permit that expires February 14, 2014. The plumbing and electrical have been approved.
- 604 FRONTIER ST. – Civil penalties continue to accrue. There has been no contact from owner or the bank. Discussion ensued related to the amount of civil penalties. It was reported that the property no longer appears to be a homestead according to Tarrant Appraisal District. Staff will present this item on the next regular agenda to consider amending the civil penalties. Staff recently executed another nuisance abatement on this property.
- 933 CARONDOLET – The Council order expires March 15, 2014. Staff met with the owner for the first time this past Monday. Staff has not received a plan of action and permits have not been obtained. Council requested that this order be closely monitored and brought back to the Council if weekly progress is not made.

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

- 1223 ROBERTS CUT OFF RD. – The building permit for this property has expired. Staff has received and approved engineered drawings for the roof and allowed the owner until February 11, 2014 to present a new plan of action and obtain permits.
- 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 – Property representatives are in contact with Staff and are in the process of obtaining possession of the property.
- 1005 KEITH PUMPHREY – No additional report was given (Refer to agenda items 14 and 15.

- 5516 N. SCHILDER – The owner has paid the substandard fee and obtained a building permit that expires March 12, 2014.
- 1603 NANCY LANE – This property is vacant. No recent contact from the owner. Staff will proceed with public hearings if compliance is not met.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

20. 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 relayed the final services for Officer Ed Sheriff with visitation on Wednesday, January 29, 2014 at Biggers Funeral Home in Lake Worth 6:00 to 8:00 p.m.; funeral service on Thursday, January 30, 2014 at 2:00 pm. at Biggers Funeral Home in Lake Worth and a gathering after the funeral at the River Oaks Community Center.

PC Carter summarized the 30 years that Officer Sheriff served River Oaks, stating that Officer Sheriff had received his 30-year pin at the employee banquet in December 2013.

No action was taken.

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

FC Hawkins gave an update on the Fire Department remodel that is near completion.

No action was taken.

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

No discussion or action.

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

No discussion or action.

24. 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.

25. **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.

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

No discussion or action.

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

No discussion or action.

28. **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.

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

No discussion or action.

30. **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.

31. **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.

32. **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:

33. 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**

CM Ashton stated that former City Council Member Bob Minter turns 91 years old tomorrow.

EXECUTIVE SESSION:

34. 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

Refer to agenda items 14 and 15 for executive session.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

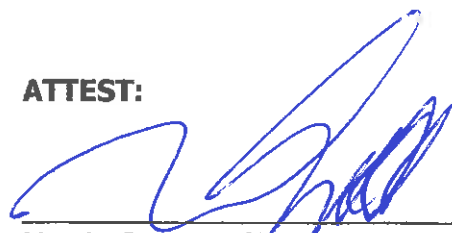
Refer to agenda items 14 and 15 for executive session.

ADJOURN:

36. ADJOURN

At 9:33 p.m. CM Holland moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


JoAnn Gordon Mayor Pro Tem