

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 11, 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
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
POLICE CHIEF AVIN CARTER
CODE COMPLIANCE OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
SECRETARY SUSAN STEWART
ATTORNEY STEVE WOOD

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 11, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CCO Jones delivered the Invocation.

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

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

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR

Mayor Earwood read a proclamation declaring April 2014 as River Oaks Clean Up Month and April 26, 2014 as the official River Oaks Clean Up Day.

Mayor Earwood read a proclamation recognizing Margaret Ann Risk for her years of dedicated service for the Daughters of the Nile for the benefit of Shriner's Hospital for Children.

No action was taken.

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 JANUARY 27, 2014 COMMUNITY FORUM
- B. MINUTES OF JANUARY 28, 2014 REGULAR MEETING
- C. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 11, 2014 (FY 2014)

D. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE RYAN CHRISTOPHER URBANEK AS A POLICE OFFICER

E. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE CONSTANCE L. TAYLOR AS A POLICE TELECOMMUNICATOR (DISPATCHER)

F. APPROVAL OF CCPD RESOLUTION 2014-01

CM Crews requested the minutes be corrected to reflect his presence at the City Council Meeting on January 28, 2014.

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. DISCUSSION AND/OR ACTION FROM THE COUNCIL REVIEW OF THE 2012-2013 FISCAL YEAR AUDIT REPORT AS PRESENTED BY WILLIAM SPORE, CPA

Bill Spore presented the 2012-2013 annual financial reports for review, citing no major deficiencies. Mr. Spore mentioned that time card inconsistency amongst all departments had been mentioned in the last audit review with a program still not in place. Mr. Spore added that since he recently mentioned this concern to staff, compliance has begun. Mr. Spore will be present at the next regular council meeting to answer questions

No action was taken.

8. CONSIDER APPROVAL OF **RESOLUTION # 789-2014** APPROVING THE SALE OF REAL PROPERTY ACQUIRED FROM A DELINQUENT TAX SALE IN CAUSE NUMBER 21607

Charles Brady presented a bid for the property at 1601 Hillside Drive in the amount of \$4,000 with the city's portion being \$783.76. Mr. Brady noted that all three taxing entities would have to approve the sale of the property.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #789-2014 approving the sale of real property acquired from a delinquent tax sale in cause number 21607. All voted "Aye."

9. CONSIDER APPROVAL OF RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION FOR THE MEMBER APPOINTMENTS TO THE COMMISSION

ZA Gregory presented the recommendation of the Planning and Zoning Commission to appoint Ruth Ann Teague to Member Place 3 and Hub Makarwich to Alternate Member 1.

CM Ashton moved, seconded by CM Butler, to approve the recommendation by the Planning and Zoning Commission for the member appointments. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

10. **PUBLIC HEARING CONTINUED FROM JANUARY 28, 2014:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1005 KEITH PUMPHREY**

This agenda item was postponed until after executive session (agenda item 23)

11. **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

This agenda item was postponed until after executive session (agenda item 23)

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

12. CONSIDER APPROVAL OF **RESOLUTION # 790-2014** CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 10, 2014 AND CALLING FOR A SPECIAL ELECTION ON MAY 10, 2014 SUBMITTING TO THE VOTERS FOR APPROVAL, THE SALE OF PARK PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS, TEXAS PURSUANT TO CHAPTER 253.001 OF THE TEXAS LOCAL GOVERNMENT CODE AND CALLING A SPECIAL ELECTION ON MAY 10, 2014 PURSUANT TO THE TEXAS CONSTITUTION TO FILL A VACATED COUNCIL PLACE (PLACE 3) ON THE CITY COUNCIL

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Resolution #790-2014. All voted "Aye."

12. PARA CONSIDERAR LA APROBACION DE LA **RESOLUCION # 790-2014** SE INVOCA A UNA ELECCION GENERAL QUE SE LLEVARA A CABO EL 10 DE MAYO DEL 2014 Y PIDIENDO UNA ELECCION ESPECIAL EL 10 DE MAYO DEL 2014 PRESENTANDOSELA A LOS VOTANTES PARA SU APROBACION, LA VENTA DE LA PROPIEDAD DEL PARQUE DENTRO DE LOS LIMITES CORPORATIVOS DE LA CIUDAD DE RIVER OAKS, TEXAS EN TERMINOS DEL CAPITULO 253.001 DEL CODIGO DEL GOBIERNO LOCAL DE TEXAS E INVOCANDO A UNA ELECCION ESPECIAL EL 10 DE MAYO DEL 2014 DE ACUERDO A LA CONSTITUCION DE TEXAS PARA LLENAR EL PUESTO VACANTE (LUGAR 3) EN EL CONCILIO DE LA CIUDAD

No hubo discusión.

Alcalde Suplente Gordon voto, secundado por CM Ashton, para aprobar Resolución # 790-2014. Todos votaron "Sí".

13. CONSIDER APPROVAL OF **RESOLUTION # 791-2014** FOR SPECIAL EVENT ("CAR SHOW") PERMITTING AT 5300 BLACKSTONE ROAD. IN ORDER FOR THE RIVER OAKS COMMUNITY CENTER TO HOLD A CAR SHOW

No discussion occurred.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution #791-2014. All voted "Aye."

14. CONSIDER APPROVAL OF **RESOLUTION # 792-2014** ADOPTING A POLICY FOR THE ESTABLISHMENT OF A RELOCATION ASSISTANCE PROGRAM RELATED TO ENFORCEMENT OF THE CITY'S MINIMUM PROPERTY MAINTENANCE CODES, AND RELATED TO AMORTIZATION

CS Gregory stated that this policy follows federal and state laws.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #792-2014. All voted "Aye."

15. CONSIDER APPROVAL OF **ORDINANCE # 1018-2014** AMENDING THE 2013-2014 CRIME DISTRICT BUDGET FOR THE UNPLANNED PURCHASING OF POLICE VEHICLES

No discussion occurred.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #1018-2014 approving two police vehicle packages not to exceed \$88,000. All voted "Aye."

16. CONSIDER APPROVAL OF **ORDINANCE # 1019-2014** AMENDING THE 2013-2014 FY GENERAL FUND OPERATING BUDGET FOR THE EXPENDITURE OF COURT TECHNOLOGY FUNDS

PC Carter requested to purchase the jail book-in and warrant officer's computer using court technology funds in the amount of \$965 each.

CM Ashton moved, seconded by Mayor Pro Tem Gordon, to approve the expenditure from the Court Technology Fund for computers for the jail and the warrant office in the amount of \$1,928 with the adoption of Ordinance #1019-2014. All voted "Aye."

STAFF REPORTS:

17. COUNCILMAN JOE CREWS REPORTING ON COMMUNITY FOCUS, DEVELOPMENT REVIEWS AND REGIONAL EFFORTS FROM THE REGIONAL COORDINATION COMMITTEE

CM Crews gave an update of the Regional Coordination Committee's focus, efforts and upcoming events.

No action was taken.

18. STAFF UPDATE REGARDING REQUEST SUBMITTED BY JOSE L. INFANTE AT THE JANUARY 14, 2014 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

CCO Jones explained that the only variance would be for the City Council to consider a wrought iron fence that exceeds the allowable height according to the Zoning Ordinance.

No action was taken.

19. STAFF UPDATE ON SUBSTANDARD PROPERTY ABATEMENT AT 933 CARONDOLET

CCO Jones reported continual progress on the property. CCO Jones reported that the substandard fee has not been paid and the permits have not been obtained as agreed.

No action was taken.

20. PROGRESS REPORT: REPORT BY BUILDING INSPECTOR ON PROGRESS TOWARDS COMPLIANCE AT 916 GILHAM

CCO Jones gave a report as directed by the City Council in September. Jones reported that the accessory structure has not been removed at this time and the owner has not contacted staff regarding the required progress check. Mayor Earwood stated that this item would be on the next agenda to consider action that can be taken.

No action was taken.

PUBLIC FORUM:

21. 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.**

None.

EXECUTIVE SESSION:

22. 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:

- 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 8:16 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.

RECONVENE:

At 9:15 p.m. Mayor Earwood reconvened into regular session.

PUBLIC HEARING CONTINUED FROM JANUARY 28, 2014: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1005 KEITH PUMPHREY

This public hearing was continued from the January 28, 2014 regular meeting of the City Council.

Robert Sheffield stated that he has begun the foreclosure process by filing the proper paperwork.

At 9:16 p.m. Mayor Earwood closed the public hearing.

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

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

At 9:16 p.m. Mayor Earwood left the dais. Mayor Pro Tem Gordon assumed the position of presiding officer.

At 9:18 p.m. Mayor Earwood returned to the dais.

CM Crews made the following motion. "Based on evidence presented at the last meeting, the property is substandard and the Building Board of Appeals hereby finds 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 structure(s) is/ are

feasible of repair and ORDER that: 1) the Buildings to be repaired BY THE OWNER OF RECORD within 30 days and the LIENHOLDER OR MORTGAGEE OF RECORD to within an *additional 30 days* if the OWNER does not comply; and 2) 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 30 days from the date of the February 11, 2014 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 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 3) Order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

ADJOURN:

24. ADJOURN

Mayor Pro Tem Gordon reported that Mayor Earwood, Pam Mundo, and herself have met with some investors and will offer a full report at the next meeting.

Mayor Pro Tem Gordon gave an update on the master plan and street scape project for River Oaks Boulevard.

At 9:23 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor