

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 11, 2012**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
INTERIM FIRE CHIEF CHRIS HAWKINS
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE COMPLIANCE OFFICER FABIAN NEATHERY
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM (AT 7:06 P.M.)

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, December 11, 2012 at the River Oaks Community Center, 5300 Blackstone, River Oaks, Texas 76114. Mayor Earwood announced that CM Holland would be absent due to family medical.

2. INVOCATION

Mayor Pro Tem Crews delivered the Invocation.

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

The pledges of allegiance to the United States and the Texas Flags were recited during the previous meeting.

4. READING OF PROCLAMATION(S) 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.

- A. MINUTES OF REGULAR COUNCIL MEETING NOVEMBER 13, 2012
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 27, 2012
- C. BILLS PAYABLE FOR PERIOD NOVEMBER 28, 2012 TO DECEMBER 11, 2012
- D. RATIFY MAYOR'S RECOMMENDATION TO HIRE JOHN PAUL JONES IN THE CODE COMPLIANCE DEPARTMENT

Mayor Pro Tem Crews requested that Consent Agenda Item D be removed from the consent agenda for further discussion.

CM Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, and C as presented. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

Mayor Earwood explained that the funds for the second code compliance officer are available within the street department fund (#520) for transfer to the inspections department fund (#525).

Mayor Pro Tem Crews moved, seconded by CM Butler, to approve Consent Agenda Item D. All voted "Aye."

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL TO ADJUST OR WAIVE WATER DEPOSIT FEES FOR 916 GILLHAM ROAD.

Dora Smith, 916 Gillham, requested for the Council to consider waiving the \$115 utility deposit requirement on the property she acquired from her mother, who is deceased. CS Gregory pointed out that a certificate of occupancy inspection is also required since the ownership of the property has changed. Council agreed that the inspection is required. CS Gregory stated that the account is currently in Ms. Smith's mother's name with a deposit of \$25. CS Gregory noted that the account has a very good payment history.

Mayor Pro Tem Crews moved, seconded by CM Butler, to leave the \$25 deposit on the account, changing the name to Ms. Smith. All voted "Aye."

Mayor Pro Tem Crews clarified with Mrs. Smith that she is required to complete an application for utility service and pay for the certificate of occupancy inspection.

8. CONSIDER APPROVAL TO AMEND THE AUGUST 23, 2011 SUBSTANDARD BUILDING ORDER AND THE JANUARY 10, 2012 ORDER TO ASSESS CIVIL PENALTIES ON THE SUBSTANDARD PROPERTY AT 1205 CHURCHILL RD.

CA Elam requested that no action be taken on this item. CA Elam reported that the bank has been in contact with the attorney's office regarding the civil penalties.

No action was taken.

9. CONSIDER APPROVAL OF THE CASTLEBERRY SPRING SPORTS POSTER SPONSORSHIP

A representative was not present.

CS Gregory clarified that the poster supports the school athletic program, not a booster club. Council Members expressed concern that a representative was not present to answer inquiries.

CM Gordon moved to deny the purchase of an ad on the Spring Sports Poster.

It was determined that a motion was not necessary since this agenda request was denied at the previous City Council Meeting. Motion was withdrawn.

No action was taken.

10. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH N.C.T.C.O.G. FOR SOLID WASTE IMPLEMENTATION GRANT (RECYCLING).

It was explained that the City had received a grant for recycling that would utilize recycling bins at residences.

Mayor Earwood suggested a voluntary program that would use bags instead of bins that would be picked up by City crews on Wednesdays.

Mayor Pro Tem Crews spoke in favor of accepting the grant and proceeding with the voluntary program as applied for in the grant. Mayor Pro Tem Crews mentioned that it is likely that a federal or state mandate will require recycling in the near future.

CM Butler spoke in favor of opting out of the grant and proceeding with a localized recycling program using recycling bags.

Citizen Nikki Matthews spoke in opposition of the plastic bins. She stated "Why fix what is not broken?"

CS Gregory offered the option of rewriting the grant to conform with the suggested program of using bags and City crews.

Citizen Cheryl King, 813 Merritt, stated that she takes her recyclables to the City lot. Ms. King spoke in favor of using City crews and bags. Ms. King spoke in opposition of plastic bins.

Citizen Royce Shields, 709 Winters, spoke in favor of recycling using plastic bags and City crews.

CM Gordon asked if the bag type recycling program would comply with any federal or state mandates for a recycling program. CS Gregory replied that generally speaking, the requirements for smaller cities should be different than that of a larger city.

CS Gregory pointed out that the City had not budgeted for a recycling program in this fiscal year budget, suggesting this program be researched and included in the upcoming budget.

An unidentified male asked what materials would be accepted as recyclables if the bags were used. Mayor Earwood replied that plastic, newspapers and cans are some of the acceptable materials.

Another unidentified male asked if glass would be accepted. The response was that glass is not cost effective for recycling.

PWD Hatley pointed out that the City can maintain control of the program if the public works department is used to collect the recyclables.

CM Butler moved, seconded by CM Gordon, to opt out of the recycling grant and establish an in-house recycling program without grant funding. CM Butler, CM Ashton, and CM Gordon voted "Aye." Mayor Pro Tem Crews voted "Nay." Motion passed.

11. CONSIDER APPROVAL OF AGREEMENT WITH ALLIED COMPLIANCE SERVICES FOR D.O.T. DRUG AND ALCOHOL TESTING.

CS Gregory verified that the contract is identical to previous agreements.

CM Gordon moved, seconded by Mayor Pro Tem Crews, to approve the agreement with Allied Compliance Services for D.O.T. drug and alcohol testing. All voted "Aye."

12. CONSIDER APPROVAL TO RENOVATE THE CENTER MONUMENT IN FRONT OF CITY HALL

CS Gregory explained that the monument containing a list of all the mayors is deteriorating. CS Gregory summarized a plan to relocate the plaque and remove and repair the brick face using brick left over from City Hall.

CM Gordon moved, seconded by CM Crews, to renovate the center monument in front of City Hall at a cost of \$ 1,570 from the gas royalty money. All voted "Aye."

13. CONSIDER APPROVAL OF TANK REPAIR TO THE CITY'S GROUND STORAGE TANK AT 2257 ROBERTS CUT OFF.

CS Gregory requested a maximum of \$20,000 to perform an emergency repair of the east ground tank.

CM Gordon moved, seconded by CM Butler, to repair the City's ground storage tank at 2257 Roberts Cut Off in the amount of \$20,000. All voted "Aye."

14. CONSIDER APPROVAL FOR THE USE OF HARDIPLANK SIDING ON THE RESIDENTIAL STRUCTURE AT 4841 SHERWOOD DRIVE PURSUANT TO SECTION 4 "DEFINITIONS" OF THE RIVER OAKS ZONING ORDINANCE # 920-2012.

Tim Raso, representative for A New Home 4 U, requested to use hardi-board as a replacement for siding at 4841 Sherwood. Council Members discussed the architectural compatibility within that zoning district.

Mayor Pro Tem Crews moved, seconded by CM Butler, to approve horizontal hardiplank siding at 4841 Sherwood. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **4841 SHERWOOD DR.**

At 8:14 p.m. Mayor Earwood opened the public hearing.

Tim Raso, representative for A New Home 4 U, presented a plan of action to repair the property at 4841 Sherwood.

Inspector Sanders recommended allowing time to repair the substandard property that is feasible of repair. Sanders referred to pictures in the Council Members packets, citing structural, plumbing, and electrical violations that constitute a hazard.

At 8:23 p.m. Mayor Earwood closed the public hearing

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **4841 SHERWOOD 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 Gordon made the following motion, "I move that the City Council find that the building located at 4841 Sherwood 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 feasible of repair and therefore ORDER the Buildings to be repaired BY THE OWNER OF RECORD within 89 days and the LIENHOLDER OR MORTGAGEE OF RECORD, if any to within an *additional 30 days* if the OWNER does not comply; and 3) THE BOARD ORDERS commencement of repairs within 30-days from the date of the public hearing and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building 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 OF RECORD and the debris removed within 89 days or by the LIENHOLDER OR MORTGAGEE OF RECORD 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. If the building is not repaired within 89-days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 5) that regular scheduled inspections are required; and 6) order that the 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 Crews. All voted "Aye."

17. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **817 THERSA** DAMAGED BY FIRE.

At 8:26 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders referred to pictures in the Council Members packets, stating that a recent fire had damaged the structure beyond the feasibility of repair. It was noted that the accessory structure should be included in the order of the Council since an accessory structure is not permitted on a lot without a main structure.

At 8:29 p.m. Mayor Earwood closed the public hearing

18. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **817 THERSA 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 Gordon made the following motion, "I move that the City Council find that the building located at 817 Thersa 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 to demolish or remove the building(s) and all debris within 30-days and the LIENHOLDER or MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) if the OWNER fails to demolish or remove the buildings including all accessory buildings within 30-days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner 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."

19. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5032 SHERWOOD DR.**

At 8:32 p.m. Mayor Earwood opened the public hearing.

Jan Craig Schriver, presented a plan of action and requested 90-days to bring the property into compliance due to possible inclement weather and lack of funding.

Inspector Sanders referred to pictures in the Council Members packets, citing structural and plumbing substandard violations.

Council Members expressed concern over a lack of sufficient evidence to declare the property substandard.

CS Gregory noted that as the building official, he had declared the property substandard and the Council could authorize the building official to extend his order.

At 8:36 p.m. Mayor Earwood closed the public hearing

20. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **5032 SHERWOOD 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 Gordon moved to authorize an extension of the Building Officials order for 90-days at the discretion of the building inspector.

Mayor Pro Tem Crews stated that the requirement to hardwire smoke detectors is an undue burden. IFC Hawkins agreed with Mayor Pro Tem Crews.

Motion seconded by CM Butler. All voted "Aye."

21. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **620 WORTHVIEW DR.**

At 8:40 p.m. Mayor Earwood opened the public hearing.

Sanders referred to pictures in the Council Members packets, citing structural, plumbing, and electrical violations that constitute a hazard.

Boyd Beavers, authorized agent for the owner, presented a plan of action and requested 90-days to bring the property into compliance.

At 8:47 p.m. Mayor Earwood closed the public hearing

22. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **620 WORTHVIEW 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 the City Council find that the building located at 620 Worthview based on evidence presented at this hearing, is substandard and 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; 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 feasible of repair and therefore ORDER the Buildings to be repaired BY THE OWNER OF RECORD within 89 days and the LIENHOLDER OR MORTGAGEE OF RECORD, if any to within an additional 30 days if the OWNER does not comply; and 3) THE BOARD ORDERS commencement of repairs within 30-days from the date of the public hearing and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building 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 OF RECORD and the debris removed within 89 days or by the LIENHOLDER OR MORTGAGEE OF RECORD 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. If the building is not repaired within 89-days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 5) and order that the 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." Motion seconded by Mayor Pro Tem Crews. All voted "Aye."

Inspector Sanders verified that the recently purchased permits would be extended for the time period allowed by the Council.

23. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 606 WORTHVIEW DR.

At 8:50 p.m. Mayor Earwood opened the public hearing.

Sanders referred to pictures in the Council Members packets, citing structural, plumbing, and electrical violations that constitute a hazard.

Tom (last name unknown), son of the property owner, requested additional time to bring the property into compliance.

Council Members expressed concern over a lack of sufficient evidence to declare the property substandard. CS Gregory stated that the electrical system is a hazardous condition and that even one code violation could constitute a substandard building. CM Crews stated "the garage is about to fall down and is substandard." CA Elam clarified that the building officials declaration that the electrical system is hazardous is valid to declare the building substandard.

[At 8:59 p.m. Mayor Earwood convened into executive session under Section 551.071 - Pending or contemplated litigation or to seek advice from attorney.]

[At 9:06 p.m. Mayor Earwood reconvened into regular session.]

At 9:06 p.m. Mayor Earwood closed the public hearing.

24. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW 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.

Mayor Pro Tem Crews moved, seconded by CM Butler, to allow the occupant until January 8, 2013 to get the electrical violations corrected and report back to the Council while working with Neighbors Helping Neighbors or the City Council would proceed with substandard process. All voted "Aye."

25. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1619 YALE ST.**

At 9:09 p.m. Mayor Earwood opened the public hearing.

Sanders referred to pictures in the Council Members packets, citing structural, plumbing, and electrical violations that constitute a hazard.

Citizen Don Istook expressed concern that a potential buyer may purchase the property without knowledge of the substandard conditions. Staff reported that a red substandard notice is posted on the property and all documents have been filed in the deed or records. Staff reported contact with a property management company that claims this property is being transferred to Fannie Mae. CA Elam recommended the Council issue an order that will be filed in the deed of records.

At 9:12 p.m. Mayor Earwood closed the public hearing

26. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1619 YALE ST.** 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.

Mayor Pro Tem Crews made the following motion, "I move that the City Council find that the building located at 1619 Yale based on evidence presented at this hearing, is substandard and 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; 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 feasible of repair and therefore ORDER the Buildings to be repaired BY THE OWNER OF RECORD within 30 days and the LIENHOLDER OR MORTGAGEE OF RECORD, if any to within an additional 30 days if the OWNER does not comply; and 3) THE BOARD ORDERS commencement of repairs within 30-days from the date of the public hearing and has established specific time schedules with

the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building 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 OF RECORD and the debris removed within 30 days or by the LIENHOLDER OR MORTGAGEE OF RECORD 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. If the building is not repaired within 89-days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 5) and order that the 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 CM Butler. All voted "Aye."

27. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 809 GUSTAV ST.

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

Sanders referred to pictures in the Council Members packets, citing health (dilapidated pool) structural, plumbing, and electrical violations that constitute a hazard along with unsanitary conditions. CA Elam noted that Bank of American has program that works with municipalities on foreclosed properties.

At 9:21 p.m. Mayor Earwood closed the public hearing

28. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 809 GUSTAV ST. 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 Gordon moved, "I move that the City Council find that the building located at 809 Gustav based on evidence presented at this hearing, is substandard and 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; 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 feasible of repair and therefore ORDER the Buildings to be repaired BY THE OWNER OF RECORD within 30 days and the LIENHOLDER OR MORTGAGEE OF RECORD, if any to within an additional 30 days if the OWNER does not comply; and 3) THE BOARD ORDERS commencement of repairs within 30-days from the date of the public hearing and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building 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 OF RECORD and the

debris removed within 30 days or by the LIENHOLDER OR MORTGAGEE OF RECORD 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. If the building is not repaired within 89-days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 5) and order that the 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 CM Butler. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

29. CONSIDER APPROVAL OF **ORDINANCE NO. 962-2012** AMENDING THE 2012-2013 FY BUDGET TRANSFERRING FUNDS WITHIN THE GENERAL FUND FOR PUBLIC WORKS PERSONNEL SALARIES AND BENEFITS.

[Mayor Earwood left the dais, leaving Mayor Pro Tem Crews as the presiding officer.]

No discussion occurred.

CM Butler moved, seconded by CM Gordon to approve Ordinance #962-2012. All voted "Aye."

[Mayor Earwood returned to dais as the presiding officer.]

30. CONSIDER APPROVAL OF **ORDINANCE NO. 963-2012** AMENDING THE 2012-2013 FY BUDGET FOR EXPENDITURE OF GAS ROYALTIES IN THE GENERAL FUND FOR THE ROOF REPLACEMENT PROJECT OVER THE POLICE DEPARTMENT COMPLEX.

No discussion occurred.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #963-2012. All voted "Aye."

STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 1129 ST. EDWARDS – Sanders reported no change.
- 1409 LAWRENCE – Sanders reported that the structures have been demolished and the property is in compliance.

No action was taken.

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

- 1619 YALE – No report given.

- 817 THERSA – No report given.
- 809 GUSTAV – No report given.
- 4841 SHERWOOD – No report given.
- 5032 SHERWOOD – No report given.
- 620 WORTHVIEW – No report given.
- 606 WORTHVIEW – No report given.
- 715 ISBELL – Sanders reported continual progress.
- 1609 NANCY LANE – Sanders reported continual progress.

No action was taken.

33. REPORT ON SUBSTANDARD PROPERTIES ABATED:

- 4525 ALMENA RD. – No report given.

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

34. 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 summarized the monthly activity report, comparing the report to last year.

No action was taken.

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

IFC Hawkins summarized the monthly activity report, comparing the report to last year. IFC Hawkins announced that interviews would begin for an assistant chief after the first of the year.

No action was taken.

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

No discussion or action.

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

No discussion or action.

38. **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.

39. **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.

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

No discussion or action.

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

No action was taken.

42. **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.

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

No discussion or action.

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

No action was taken.

PUBLIC FORUM:

45. 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**

Royce Shields recommended that the Council consider some regulations for portable basketball goals that create an eye-sore and a potential safety hazard when placed near the street.

CM Butler gave a reminder of the Community Luncheon on December 18, 2012 at noon at the Community Center.

Mayor Pro Tem Crews announced that River Oaks Night at the Rodeo is January 31, 2012 and tickets are available.

EXECUTIVE SESSION:

46. 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: **Advice from City Attorney regarding possible litigation on substandard property at 1205 Churchill 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, 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

[At 8:59 p.m. Mayor Earwood convened into executive session under Section 551.071 - Pending or contemplated litigation or to seek advice from attorney.]

RECONVENE:

[At 9:06 p.m. Mayor Earwood reconvened into regular session.]

47. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Refer to agenda item #24 for action taken following executive session.

ADJOURN:

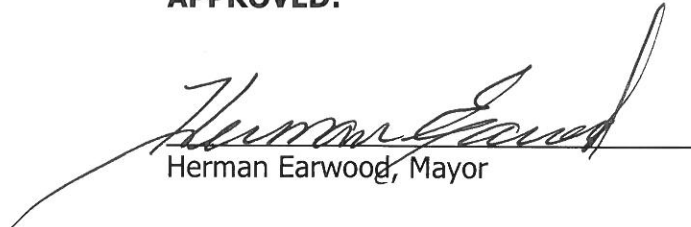
48. ADJOURN

At 9:37 p.m. CM Gordon moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary

Herman Earwood, Mayor