

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 8, 2013**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

MEMBERS ABSENT:

MAYOR PRO TEM JOE CREWS (OUT OF TOWN)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
INTERIM FIRE CHIEF CHRIS HAWKINS
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
PARK BOARD CHAIRMAN HUB MAKARWICH
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK

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 8, 2013 at 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) BY MAYOR:

Mayor Earwood read a proclamation declaring January 2013 as School Board Appreciation Month.

Mayor Earwood extended an invitation to the school board meeting on January 14, 2013 at which this proclamation would be presented.

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 PRE-COUNCIL & REGULAR MEETING DECEMBER 11, 2012
- B. MINUTES OF PUBLIC HEARING DECEMBER 13, 2012
- C. BILLS PAYABLE FOR PERIOD ENDING JANUARY 8, 2013
- D. ACCEPT RESIGNATION OF MIKE MCGOVERN IN POLICE DEPARTMENT
- E. ACCEPT RESIGNATION OF RESERVE POLICE OFFICER CLINT WILLIAMS

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

PC Carter explained that Clint Williams is resigning as a result of a promotion with the State Fire Marshall's office. This position will be replaced by Monty Montelongo, a former reserve officer. Mayor Earwood stated that another reserve officer has resigned to accept an elected position of County Constable Precinct 6. PC Carter described another potential reserve officer that works with a police training facility in Weatherford.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CITIZEN APPEARANCE OF DORA SMITH AT 916 GILHAM REGARDING CERTIFICATE OF OCCUPANCY PERMITTING.

[Mayor Earwood excused himself, requesting CM Holland preside over the meeting.]

A representative was not present.

CS Gregory stated that Christmas in Action had contacted the owner but the organization cannot help Ms. Smith.

[Mayor Earwood resumed the position of presiding officer.]

Mayor Earwood summarized the request of Ms. Smith who is requesting additional time to complete the violations found during the certificate of occupancy inspection. CM Holland stated that the rules should be followed. CS Gregory explained that additional time could be given if the owner would obtain the required permits.

This agenda item was discussed again after agenda item # 9 upon the arrival of the property representatives.

No action was taken.

8. CONSIDER APPROVAL OF THE 2012 DELINQUENT TAX REPORT AS PRESENTED BY LYNN STAVINOKA OF PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP.

Charles Brady delivered the delinquent tax report as follows: As of January 3, 2013, there were 191 outstanding accounts totaling \$131,062.14 in delinquent taxes owed to the City. Of those, \$6,621.73 is related to bankruptcy; \$81,074.62 is in litigation; \$3,286.02 is related to bad addresses; \$34.20 is in deferral; and \$35,061.42 in other action pending.

Charles Brady gave an update on properties that were recently put for sale on the court house steps. Four properties were struck off to the city for taxes and will be put together with some school district properties for re-sale in the near future. Two properties were sold, 4841 Sherwood and 1701 Long.

CM Gordon moved, seconded by CM Ashton, to approve the report as presented. All voted "Aye."

9. UPDATE ON THE SALE PERTAINING TO THE PROPERTY AT 1129 ST. EDWARDS AS APPROVED BY RESOLUTION 743-2012.

Charles Brady reported that the resolution to finalize the sale of the property at 1129 St Edwards has been signed by all the required parties and the liens for cleanup have been paid as agreed. Mr. Brady added that there is one invoice for cleanup on the property in the amount of \$1,375.00 that the buyer has agreed to pay.

No action was taken.

7. CITIZEN APPEARANCE OF DORA SMITH AT 916 GILHAM REGARDING CERTIFICATE OF OCCUPANCY PERMITTING.

Dora Smith and Dawn Sutherland came in later after Agenda Item # 7 was presented and asked to address the council at this time regarding Agenda Item # 7.

They requested additional time to complete the removal of the junk and debris and demolish the pink and the white houses on the back of the property as cited on the certificate of occupancy checklist. Ms. Sutherland stated that they would like to keep two of the accessory structures for storage. Ms. Sutherland stated that the smoke detectors are in place, the wires have been capped and the covers have been placed on the electric receptacles. CM Ashton asked the length of the requested extension. Sanders recommended that if the immediate hazards have been corrected and inspected, 90-days could be given to demolish the structures and remove the remaining junk and debris as long as monthly progress checks are scheduled.

Mayor Earwood requested an update at the next regular meeting of the council.

No action was taken.

10. 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 reported that Wells Fargo has filed an extension to the deadline pursuant to Rule 11 of the Texas Rules of Civil Procedure.

CM Ashton left the dais.

No action was taken.

11. CONSIDER APPROVAL OF AGREEMENT BETWEEN THE CITY AND SENIOR CITIZEN SERVICES OF GREATER TARRANT COUNTY.

CS Gregory presented the request to continue serving the senior meals at the community center by pursuing the agreement as has been done in previous years.

CM Ashton returned to the dais.

CM Gordon moved, seconded by CM Butler, to approve the agreement between the City and Senior Services of Greater Tarrant County.

The community center directors affirmed that the luncheon is successful and support the continuation.

All voted "Aye."

12. CONSIDER APPROVAL FOR THE COMMUNITY CENTER TO ADMINISTER THE RIVER OAKS AREA TOYS FOR TOTS PROGRAM.

The community center directors requested to "discreetly" begin a program that not only includes toys but new clothing and the collection of monetary donations. Fundraisers such as car shows were mentioned.

CM Holland moved to approve the toys for tots program.

CM Butler asked if there is sufficient storage for items related to this program. Community Center Directors stated that room will be created as necessary. CM Butler asked if participants would be checked. Community Center Directors described their idea of initiating contact with recipients instead of creating an open list of requestors.

CM Butler seconded the motion. All voted "Aye."

13. DISCUSSION AND/OR ACTION ON AUTO ALLOWANCE AND EMPLOYEE COMPENSATION UNDER THE I.R.S. TAX CODE.

CM Holland summarized the tax code which says an elected official of a government entity is an employee for the purpose of tax withholdings but the code does not mention FICA. CM Holland gave two potential options: consider elected officials as employees and issue W2 forms or 2) elected officials compile mileage receipts and receive a 1099.

CM Holland suggested that this agenda item be continued until all council members are present.

CM Holland mentioned that this same issue could affect the fire department.

Mayor Earwood requested a recommendation from the finance committee and announced that this agenda item would be continued until the next regular council meeting on January 22, 2013 at 7:00 p.m.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

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

At 8:06 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders showed photos and cited numerous electrical and plumbing violations at 606 Worthview that could compromise the health, safety, and welfare of the occupants and the public. Sanders reported no work has been done since the council meeting in December. CS Gregory requested the council consider declaring the property substandard and issuing a repair order. Sanders summarized the events leading to this public hearing. In the summer of 2012, the occupant requested an inspection for electrical release and was given a conditional (30-day) utility release in order to bring the property into compliance. The building official declared the property substandard and issued an order to repair when staff was unable to obtain voluntary compliance. The owner/occupant did not complete the repairs under the order of the building official.

Mayor Earwood stated his recollection of doing away with conditional releases and requiring the certificate of occupancy be approved prior to move-in.

CA Elam will verify if occupant relocation is required when a structure is ordered vacated due to a conditional certificate of occupancy.

Mayor Earwood announced that this public hearing would remain open and be continued at the next regular meeting of the council on January 22, 2013 at 7:00 p.m.

15. 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.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF ORDINANCE NO. 964-2013 AMENDING THE 2012-2013 FY BUDGET TRANSFERRING FUNDS WITHIN THE GENERAL FUND FOR FLEET COMPUTER SOFTWARE SUPPORT.

CS Gregory requested to transfer \$1,488 of the \$1,900 that was budgeted for code software in order to purchase fleet software. Staff has been researching code software but has not found an adequate option. CS Gregory stated that code software could be reconsidered next budget year. This transfer leaves some money in code department for the purchase of computers if necessary.

CM Butler moved, seconded by CM Gordon, to approve Ordinance #964-2013. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE NO. 965-2013** AMENDING THE 2012-2013 FY BUDGET FOR EXPENDITURE OF GAS ROYALTIES IN THE GENERAL FUND FOR THE ASBESTOS ABATEMENT ON THE NORTH WALL IN THE BANQUET ROOM IN THE COMMUNITY CENTER.

Mayor Earwood described some previous termite damage on the north wall at the community center. The sheetrock needs to be replaced but contains asbestos that must be abated.

CM Gordon moved, seconded by CM Butler, to approve Ordinance #965-2013 amending the 2012-2013 FY Budget for expenditure of gas royalties in the general fund for the asbestos abatement on the north wall in the banquet room in the Community Center in the amount of \$4,350.00. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 751-2013** CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 11, 2013; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE

No discussion occurred.

CM Gordon moved, seconded by CM Butler, to approve Resolution #751-2013. All voted "Aye."

18. PARA CONSIDERAR LA ABROBACION DE LA **RESOLUCION # 751-2013** CONVOCANDO A UNA ELECCION GENERAL QUE SE CELEBRARA EL 11 DE MAYO DEL 2013; PARA APROBAR UNA ELECCION CONJUNTA CON EL CONDADO TARRANT; Y ESTABLECIENDO LOS PROCEDIMIENTOS PARA TAL ELECCION; Y PROPORCIONANDO UNA FECHA EFECTIVA

No discussion ocurrida.

MC Gordon eligio, seguida por MC Butler, para aprobar la Resolucion # 751-2013. Todos votaron "Si".

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**

PC Carter stated that Robby Moore is the potential reserve officer mentioned earlier in this meeting. He attended Castleberry schools.

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:

- 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 8:34 p.m. Mayor Earwood convened into executive session under Section 551.074 - Personnel.]

RECONVENE:

[At 8:44 p.m. Mayor Earwood reconvened into regular session.]

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

22. ADJOURN

IFC Hawkins announced that the Fire Department would hold the annual awards dinner on February 16, 2013 at 7:00 p.m.

IFC Hawkins announced the resignation of Jerrod Gideon.

CM Ashton announced the birth of his daughter on December 29, 2012.

Mayor Earwood stated that Marjorie Gaddis is under the care of hospice.

Mayor Earwood responded to an inquiry about Paul Stone, stating that Paul sustained no broken bones and is in a rehab center.

At 8:47 p.m. CM Gordon moved to adjourn the meeting.

CM Gordon mentioned the passing of Paula Luck's mother-in-law. CS Gregory added that the funeral would be held on January 9, 2013 at the Lena Pope Home Chapel at 3:00 p.m.

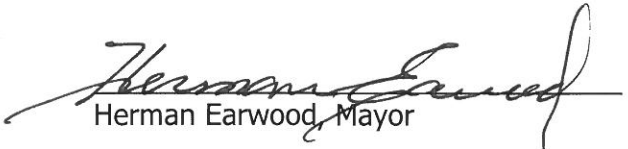
Motion seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

ATTEST:



Marvin Gregory, City Secretary

APPROVED:



Herman Earwood, Mayor