

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 22, 2014**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
RECORDING SECRETARY SUSAN STEWART
ATTORNEY BETSY ELAM

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, July 22, 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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.**

- A. MINUTES OF JULY 8, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING JULY 22, 2014 (FY 2014)
- C. APPROVAL OF 3RD QUARTER FY 2014 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT.
- D. APPROVAL OF 3RD QUARTER FY 2014 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT.
- E. APPROVAL OF 3RD QUARTER FY 2014 INVESTMENT REPORT

- F. APPROVAL OF THE E.D.C. ELECTION OF OFFICERS
- G. APPROVAL OF AGREEMENT WITH TX SERVICES FOR SCHOOL FLASHING LIGHTS ON ROBERTS CUT OFF

CM Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, C, D, E, F and G. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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. CONSIDER APPROVAL OF REQUEST BY JUDY KAYE HONZA TO WAIVE THE CERTIFICATE OF OCCUPANCY INSPECTION, INSPECTION FEE AND WATER DEPOSIT FEE AT 1117 LONG

Judy Honza requested a waiver of the requirement to perform the Certificate of Occupancy inspection. Ms. Honza stated that her mother recently passed away. Ms. Honza stated she has lived at the residence since she was 10 years old and the occupancy has not changed, there is just one less person.

Mayor Earwood cited the requirement to perform the inspection when the ownership changes and as well as when the occupancy changes.

CM Scott spoke in opposition of waiving the inspection, stating to Ms. Honza that the purpose of the inspection is to insure the safety of the occupants of the house as well as the neighbors.

Mayor Pro Tem Holland moved, seconded by CM Butler, to deny the request and extend the time for compliance to six months. All voted "Aye."

8. CONSIDER APPROVAL OF REQUEST BY SAM HARLESS FOR A 6-MONTH EXTENSION IN ORDER TO UPGRADE THE ELECTRIC SERVICE AT 4412 LAWRENCE RD. REQUIRED UNDER SECTION 3.07.004 OF THE RIVER OAKS CODE FOR OCCUPANCY

Sam Harless requested additional time to upgrade the electric service panel as required by the Certificate of Occupancy inspection. Sanders reported that all other items on the inspection checklist have been completed. Council Members clarified with Mr. Harless that an additional extension would not be granted.

Mayor Pro Tem Holland moved, seconded by CM Gordon, to approve the request of Sam Harless for a 6-month extension in order to upgrade the electric service at 4412 Lawrence. All voted "Aye."

9. CONSIDER APPROVAL OF REQUEST FROM ANDY WATSON AT 5428 RIVER OAKS BLVD. TO INSTALL HARDIEPLANK SIDING TO REPLACE EXISTING MASONITE LAP SIDING ON THE BACK EXTERIOR WALLS OF THE BUILDING

Andy Watson requested to replace the Masonite siding on the rear of this commercial building with hardiboard. Council Members informed Mr. Watson that this material would not be allowed on the front of the building.

CM Gordon moved, seconded by CM Butler, to approve the request from Andy Watson at 5428 River Oaks Boulevard to install horizontal hardiplank siding replacing the existing Masonite lap siding on the back exterior wall of the building. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON COMPLAINT FROM SHERRIE PARNELL FOR STRICTER ENFORCEMENT OF CODE VIOLATIONS

Sherry Parnell explained that she has been trying to sell the property at 1705 Yale for four months but she gets a negative reaction from potential buyers when they see the property next door at 1701 Yale. Ms. Parnell described junk and debris, high grass, and toilets in the back yard. Ms. Parnell requested stricter guidelines and faster compliance requirements.

COE Jones summarized the actions taken by the Code Enforcement Department that has resulted in approximately 80% abatement thus far. Jones stated that progress is being made and he expects full compliance after having made personal contact with the occupant. Jones stated that Staff enforces the code of ordinances on violations that are visible from the public right of way. Discussion occurred related to the process used by the Code Department that could result in shorter compliance times and the possibility of obtaining compliance through an administrative search warrant. Jones reported that he has a meeting scheduled with the occupant tomorrow for a progress check.

No action was taken.

11. CONSIDER APPROVAL TO PURCHASE THE JUSTIFIED AUTOMATED COLLECTIONS KIOSK FOR COURT/UTILITY PAYMENTS EXPENDED FROM COURT TECHNOLOGY FUNDS SUPPORTED BY ORDINANCE 1034-2014

CS Gregory reported the general consensus of all the references checked is that the initial setup is "a nightmare" but after that the system works as expected. Gregory added the recommendation of the references to integrate only one billing option (either court or water but not both) at a time. CS Gregory stated that one city decided to investigate another company for the same type of service. CS Gregory revised his original projection of overtime savings, stating that not much overtime would be saved. It was mentioned that ticket writers may be a viable option for time saving options for the municipal court. PC Carter stated the opinion of the officers that is not favorable for ticket writers. PC Carter will obtain a ticket writer demo and research that option. Council Members agreed that the cost of the kiosk may not justify the purchase if overtime is not greatly reduced.

No action was taken.

12. CONSIDER APPROVAL OF THE 2014-2015 BOARD APPOINTMENTS AS RECOMMENDED BY MAYOR EARWOOD

No discussion occurred.

CM Gordon moved, seconded by CM Ashton, to approve the Mayor's recommendations. All voted "Aye."

13. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER RENTAL POLICY

Community Center Directors requested the rental agreements be amended to include the evacuation map information. Council agreed; action was taken on this item during the public forum.

Community Center Directors reported that Tarrant County has requested the public information forms that are completed by participants in their programs be located in a secure area. Different options were discussed including locked filing cabinets, moving the files to City Hall, reinforcing the doors and jams, and changing the locks to a more secure type of lock. The directors stated that the forms need to be located at the Community Center for ease of access for inspections or emergency contact information.

Community Center Directors requested that monitors be required for civic group rentals after a civic group rental used a credit card to obtain access to a locked room that contained cleaning supplies. The Directors stated that the person renting the facility was told not to clean the facility since it would not be clean when they received it due to the car show. Mayor Pro Tem Holland described the situation, stating the he was in charge of the rental, he knew the facility is to be cleaned after each rental, and knowing the location of vacuum cleaner, access was gained under the assumption that the door was accidentally left locked.

[At 8:04 p.m. CM Gordon left the dais and returned at 8:06 p.m.]

No action was taken at this time; refer to public comments section for action taken on the rental applications.

14. CONSIDER APPROVAL TO HOLD G.E.D. CLASSES IN THE COMMUNITY CENTER AT NO CHARGE

Community Center Directors presented the option to hold G.E.D classes at the Community Center through Tarrant County and Fort Worth ISD.

CM Gordon moved, seconded by CM Ashton, to approve holding G.E.D. and ESL classes in the Community Center at no charge under FWISD with the understanding that access only be allowed when the Community Center is open.

15. CONSIDER APPROVAL OF EXTENSION OF THE INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE CITY OF FORT WORTH'S HOUSEHOLD HAZARDOUS WASTE PROGRAM FOR FY 2015

It was noted that the agreement contains no changes from previous years.

CM Gordon moved, seconded by CM Butler, to approve the interlocal agreement for participation in the City of Fort Worth's household hazardous waste program. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

16. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 817 WALTER DR.

At 8:19 p.m. Mayor Earwood opened the public hearing.

CEO Jones requested this public hearing be continued in order to allow the property preservation company time to award bids received by contractors.

Mayor Earwood announced that this public hearing would remain open and be continued on August 12, 2014 at 7:00 p.m.

17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 817 WALTER 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.

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. CONSIDER APPROVAL OF ORDINANCE # 1035-2014 AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.032 "DELINQUENT CHARGES", SECTION 13.02.033 "PAYMENT ARRANGEMENTS" AND 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES REVISING THE MINIMUM ACCOUNT BALANCE AND PROVIDING PROVISIONS REGARDING RECONNECTION OF WATER SERVICES DISCONNECTED FOR NON-PAYMENT AND REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF

Mayor Pro Tem Holland stated that the proposed drafts do not incorporate the previously requested changes correctly. Council and Staff reviewed the document resulting in the following: the water account must reflect a \$0 balance to avoid late fees and/or disconnection and administrative fees; the \$25 administrative fee must be paid prior to reconnection; and after-hours reconnection will be done until 8:00 pm. provided the payment of an after-hours reconnection fee and the administrative fee have been paid.

Mayor Pro Tem Holland moved, seconded by CM Ashton, to approve Ordinance #1035-2014 with the changes as indicated. All voted "Aye."

STAFF REPORTS:

19. STAFF REPORT ON SUBSTANDARD PROPERTIES:

- 604 FRONTIER – This property is vacant and secured. Civil penalties continue to accrue. No contact.
- 933 CARONDOLET – This property is vacant and secure. An invoice has been sent for \$375.70 that will go to lien after 9/1/2014. No contact from investor. Civil penalties continue to accrue.
- 1167 GREENBRIER – This property is vacant. Council order expires 8/25/2014. Substandard fee was waived by Council. Plan of action has been accepted. The electrical permit has approved and completed.
- 5008 SHERWOOD – This property is vacant. Council order expires 7/24/2014. Bank of America has notified staff that loan has transferred to Bayview Loan Servicing.
- 5516 N. SCHILDER – This property has active electrical, plumbing, and building permits - pending weekly progress checks. Owner is complying with progress checks and abatement of code violations.
- 5100 ALMENA RD. – This is a burnout that has active building, plumbing, electrical, and mechanical permits. They are in the process of installing sheetrock, brick ties, and flooring.
- 1709 LONG AVE. – This is a vacant property that is on hold. This property is related to 933 Carondolet in bankruptcy and delinquent tax cases.
- 1202 BANKS – The notice to repair expired 7/5/2014. No contact. Code violations have been abated.
- 1223 ROBERTS CUT OFF – This is a commercial property that is in full compliance and is currently for lease.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

20. POLICE DEPT. MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

PC Carter stated that the new vehicles should be received this week.

PC Carter described an instance in which the officers encountered a male with an underage female that resulted in an arrest.

PC Carter announced that the new officer, Ryan, is a productive and ambitious employee.

21. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

None.

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

None.

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

None.

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.

None.

25. **PUBLIC WORKS 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.

None.

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

None.

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

None.

28. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

None.

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

None.

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.

None.

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

None.

32. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING.

None.

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.**

It was mentioned that FC Shelley will meet with a surgeon and may be out on medical leave in the near future.

CM Ashton gave an update on White Settlement City Manager Lynda Ryan, stating the she is recovering well from neck surgery.

Shirley Wheat asked for a decision on the request of the Community Center to require a monitor for civil group rentals.

CM Gordon moved, seconded by CM Scott, to leave the policy as is regarding monitors and to approve the rental application as recommended by the Community Center Directors. All voted "Aye."

CM Butler requested that Staff contact the Orand Nursery about the trash and containers that are visible at the front of the property and on the property next door to the nursery.

Mayor Earwood reported that Cricket Wireless is locating to the property owned by Karl Klement.

EXECUTIVE SESSION:

34. 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:
- 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

None called for.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

36. ADJOURN

At 9:00 p.m. CM Gordon moved, seconded by Mayor Pro Tem Holland, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary


Herman Earwood, Mayor