

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 26, 2016**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

MEMBERS ABSENT:

MAYOR PRO TEM STEVE HOLLAND (MEDICAL)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
EMC COORDINATOR JAMES MYRICK
FIRE CHIEF RUSSELL SHELLEY
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
PUBLIC WORKS ADMIN SECRETARY CASSANDRA CURRY
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

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 26, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Earwood announced that CM Holland is out of town due to medical issues with his children.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

[At 7:03 p.m. Mayor Earwood convened into executive session under Section 551.071, 551.072, 551.074 and 557.076.]

[At 7:15 p.m. Mayor Earwood convened into regular session.]

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 JANUARY 12, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING JANUARY 26, 2016 (FY 2016)

- C. APPROVE RACIAL PROFILING REPORT FOR PERIOD 01/01/2015 THROUGH 12/31/2015
- D. APPROVE EDC IST QUARTER FINANCIAL REPORT (OCT. 1 – DEC. 31, 2015).
- E. APPROVE CCPD IST QUARTER FINANCIAL REPORT (OCT. 1 - DEC 31, 2015)
- F. APPROVE STORM WATER FUND 1ST QUARTER REPORT (OCT. 1 – DEC 31, 2015)
- G. APPROVE 1ST QUARTER INVESTMENT REPORT (OCT. 1 THROUGH DECEMBER 31, 2015)
- H. APPROVE RESIGNATION OF DON ISTOOK, PLACE 6 DIRECTOR ON EDC.
- I. APPROVAL OF HIRING KEVEN VILLANUEVA IN THE PUBLIC WORKS DEPT.

CM Gordon moved, seconded by CM Butler, to approve the consent agenda items A through I. All voted "Aye."

Mayor Earwood stated that the racial profiling report can be viewed with PC Carter and has been submitted to the state as required annually.

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. APPEARANCE BY TROY AUSTIN OF 6-STONES PRESENTING INFORMATION REGARDING THEIR PROGRAM FOR REVITALIZING HOMES

Bryan Cramer and Troy Austin gave a presentation and information for a home revitalization program. It was explained that 6-Stones could assist with setting up a joint program which could potentially include Azle, River Oaks, Sansom Park and other surrounding cities. CM Scott suggested this item be included in an upcoming council workshop.

No action was taken.

8. CONSIDER APPROVAL OF REQUEST BY FIRE CHIEF SHELLEY ON SELLING USED FIRE APPARATUS AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACT

FC Shelley requested to sell two fire apparatus and purchase a new breathing air system with the proceeds. An offer has been received to purchase the two apparatus for \$65,000. The breathing air system would be a station mounted system with an approximate cost of \$40,000.

CM Scott moved, seconded by CM Butler, to approve the request by Chief Shelley to allow the Mayor to proceed with the apparatus purchase contract to sell two vehicles for \$45,000 and \$20,000 and to purchase an air breathing in station refill system. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

9. **PUBLIC HEARING CONTINUED FROM OCTOBER 13, 2015:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS INITIALLY REQUESTED FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT AND SUCH INITIAL REQUEST HAS SINCE BEEN REVISED REQUESTING TO CHANGE THE ZONING CLASSIFICATION FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "R-4" SINGLE-FAMILY ZONING DISTRICT (ZONING CASE # PZ 2015-02R)

This public hearing was continued from October 13, 2015.

Don Istook requested to rezone the property from R-3 to R-4 single family zoning district in order to build 6 new homes. Mr. Istook explained that the 1.1 acres would be divided into 6 individually platted lots - some of which would be 52.5 feet wide, falling under the 60 feet as required in an R-3 zoning district.

At 8:01 p.m. Mayor Earwood closed the public hearing.

10. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 1096-2016** TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS INITIALLY REQUESTED FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT AND SUCH INITIAL REQUEST HAS SINCE BEEN REVISED REQUESTING TO CHANGE THE ZONING CLASSIFICATION FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "R-4" SINGLE-FAMILY ZONING DISTRICT (ZONING CASE # PZ 2015-02R)

CM Butler moved, seconded by CM Ashton, to approve Ordinance #1096-2016. All voted "Aye."

11. **PUBLIC HEARING CONTINUED FROM JANUARY 12, 2016:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **619 HARRISDALE AVE.**

This public hearing was continued from January 12, 2016.

Mike Summers, property owner's son, stated that he will be traveling to Abilene this weekend in order to obtain the final signature required to sell the property. Mr. Summers indicated that he has a cash buyer for the property.

It was announced that this public hearing would remain open and be continued on February 9, 2016.

12. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **619 HARRISDALE AVE.** 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

None.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF **RESOLUTION # 850-2016** CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2016; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE

No discussion occurred.

CM Ashton moved, seconded by CM Gordon, to approve Resolution #850-2016. All voted "Aye."

13. PARA CONSIDERAR LA ABROBACION DE LA **RESOLUCION # 850-2015** CONVOCANDO A UNA ELECCION GENERAL QUE SE CELEBRARA EL 7 DE MAYO DEL 2016; PARA APROBAR UNA ELECCION CONJUNTA CON EL CONDADO TARRANT; Y ESTABLECIENDO LOS PROCEDIMIENTOS PARA TAL ELECCION; Y PROPORCIONANDO UNA FECHA EFECTIVA

No hubo discusión.

CM Ashton hizo moción, secundado por CM Gordon, para aprobar Resolución # 850-2016. Todos votaron "Si"

14. CONSIDER APPROVAL OF **RESOLUTION # 851-2016** PROVIDING POLICIES FOR A RELOCATION ASSISTANCE PROGRAM AVAILABLE IN APPROPRIATE CIRCUMSTANCES

No discussion occurred.

CM Ashton moved, seconded by CM Gordon, to approve Resolution #851-2016. All voted "Aye."

15. CONSIDER APPROVAL OF **RESOLUTION # 852-2016** APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR THE BODY WORN CAMERA PROGRAM TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

PC Carter summarized a potential grant to purchase 12 body cameras in an approximate amount of \$5,800 with the City's contribution of \$1,470.

CM Scott moved, seconded by CM Butler, to approve Resolution #852-2016. All voted "Aye."

STAFF REPORTS:

16. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on the following properties:

- 604 FRONTIER – A summarization of the history of this property was given. Sanders reported that staff has received a request for lien payoff.
- 5008 SHERWOOD – City attorney was directed to file civil penalty case with district court
- 5008 PENROD CT. – In compliance
- 603 HARRISDALE – Still in probate
- 4900 ALMENA RD. – Civil penalties remain in effect
- 1609 YALE ST. – Order has expired, staff will make contact
- 5312 TAYLOR RD. – Pending judgment
- 1213 CAMBRIDGE – No inspections, active building permit.
- 4717 ALMENA RD. – Near completion, should have certificate of occupancy in about a week
- 1204 HARVARD – Electric approved, order expires March 8, 2016
- 901 CHURCHILL – No contact and no inspections
- 4829 KESSLER – Council order expired, Owner has been in contact with staff, will be on the next council agenda
- 5905 BLACK OAK – Council order expired, citations issued and paid, will be on the next agenda

- 5909 BLACK OAK - Council order expired, citations issued and paid, will be on the next agenda
- 622 OAKLAWN – Demolished by Owner
- 1202 BANKS – Council allowed 6-months to repair
- 1444 LONG – Will be demolished by the City, bids obtained
- 1425 BYRD – Demolished, plans for a new house received
- 1709 Melba – No contact, staff will make contact this week
- 1108 YALE – Removed, in compliance
- 1203 Yale – Order expires February 24, 2016
- 1309 ROBERTS CUT OFF RD. - Removed, in compliance
- 1311 ROBERTS CUT OFF - Removed, in compliance
- 1605 NANCY LANE – New owner is to submit a new plan of action by January 29, 2016
- 5411 PURDUE – No contact, staff will contact this week
- 619 HARRISDALE – discussed during a public hearing this evening
- 5511 Amherst – Order expires June 4, 2016, substandard fee paid, building permit for driveway
- 5513 Amherst – Order expires June 4, 2016
- 1123 Yale – Title search requested
- 1505 Greenbrier – Order expires January 30, 2016
- 606 Worthview – Order expires January 31, 2016

BI Sanders responded to an inquiry, stating that the property on North Schilder is in compliance.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

17. DISCUSSION AND/OR ACTION APPOINTING THE SENIOR COUNCIL MEMBER TO PRESIDE OVER MEETINGS IN THE EVENT BOTH THE MAYOR AND MAYOR PRO-TEM IS ABSENT

Mayor Earwood explained the concept of a senior council member who could serve in the absence of both the Mayor and Mayor Pro Tem.

CM Ashton moved, seconded by CM Scott, to approve appointing the senior council member to preside over meetings in the event both the Mayor and the Mayor Pro Tem are absent. All voted "Aye."

18. DISCUSSION OF FIRE DEPARTMENT RESPONSES AND PROCEDURES AS PRESENTED BY FC SHELLEY

FC Shelley presented the Fire Department Response Procedures and Apparatus Utilization Policy which were concerns when he was hired as the Fire Chief.

No action was taken.

19. CONSIDER APPROVAL TO BLOCK TRAFFIC ON MEANDERING ROAD AND YALE STREET DURING A CONTROL BURN OF THE STRUCTURE AT 5422 MEANDERING ROAD ON FEB. 6, 2016

BI Sanders stated that the Fire Department will conduct a live burn training on February 6, 2016 at Meandering and Yale. Sanders cited street closures which will occur from approximately 8:00 a.m. until 8:00 p.m.

CM Ashton moved, seconded by CM Ashton, to approve to block traffic on Meandering Road and Yale Street during a control burn of the structure at 5422 Meandering Road on February 6, 2016. All voted "Aye."

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 announced that the new Tahoe patrol vehicle is ready and on the street.

No action was taken.

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

FC Shelley announced that the department has received a worker's comp grant in the amount of \$3,500.

No action was taken.

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

No discussion occurred.

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

No discussion occurred.

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 occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

30. 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 occurred.

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

EMC Myrick gave notice of an active shooter drill at NASJRB the first few weeks of February.

EMC Myrick stated that the rebuilding of the main gate of NASJRB may last 9-10 months.

No action was taken.

PUBLIC FORUM:

32. 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**

Dan Chisholm stated that the developers for the new construction on White Settlement are interested in River Oaks.

Mayor Earwood commented that the roof of the former What-a-burger has been removed and the remodel to transform it into Chicken Express has begun.

CM Butler stated that she believes in River Oaks and encourages her family to move into the city.

EXECUTIVE SESSION:

33. 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:

- 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.

Executive Session had been called for earlier following Agenda Item #3.

RECONVENE:

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

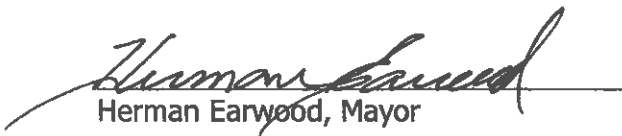
No action was taken.

ADJOURN:

35. ADJOURN

At 8:46 p.m. CM Scott moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary