

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
FEBRUARY 9, 2016**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM STEVE HOLLAND (AT 7:02 P.M.)  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER BRUCE SCOTT  
COUNCIL MEMBER JOE ASHTON  
COUNCIL MEMBER JOANN GORDON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
DETECTIVE LIEUTENANT CHARLES STEWART  
EMC COORDINATOR JAMES MYRICK  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY  
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, February 9, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

It was announced that Mayor Pro Tem Holland would arrive a few minutes late.

2. INVOCATION

CM Gordon delivered the Invocation.

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

CM Gordon 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 JANUARY 26, 2016 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 9, 2016 (FY 2016)

**CM Ashton moved, seconded by CM Butler, to approve the consent agenda items A and B. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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:**

[Mayor Earwood announced that agenda item 8 would be considered prior to agenda item 7.]

**8. CONSIDER APPROVAL OF THE 2014-2015 FISCAL YEAR AUDIT REPORT AND PROPOSAL FOR THE 2015-2016 FY AUDIT AS PRESENTED BY WILLIAM SPORE, CPA**

Bill Spore presented the 2014-2015 annual financial reports for review, citing no major deficiencies. Mr. Spore presented the budgetary comparisons. Mr. Spore will be present at the next regular council meeting to answer questions. Mr. Spore complimented staff on their diligence in fixing past deficiencies and maintaining the internal controls put in place.

**Mayor Pro Tem Holland moved, seconded by CM Gordon, to approve the audit report as presented by Bill Spore for the 2014-2015 fiscal year and the engagement letter and proposal letter for 2015-2016 fiscal year. All voted "Aye."**

**7. APPEARANCE BY CATHY TRIANA OF GREEN ZONE PRESENTING INFORMATION REGARDING THEIR WEATHERIZATION ASSISTANCE PROGRAM**

Cathy Triana, representative for Green Zone, requested access to the city newsletter and website in order to inform residents of a weatherization program that is available at no cost to the citizens for those who are eligible.

Mayor Earwood stated that CS Gregory would verify legitimacy of the program with Oncor and contact Ms. Triana to coordinate promoting the program.

**No action was taken.**

**9. DISCUSSION AND/OR ACTION ON REQUEST BY REBECCA CONLEY AT 5313 CAHILL OVAL REGARDING RESCHEDULING OF GARAGE SALE**

Rebecca Conley requested a rain check to reschedule her garage sale for this weekend. Ms. Conley stated that she did not hold her sale. Ms. Conley stated that when she contacted staff on Wednesday to request the rain check, she was denied the raincheck since she did not call within 48-hours. Ms. Conley suggested that an occasional override through an office member would be helpful for the citizens. Mayor Earwood stated that this concern would be considered for discussion at the next city council workshop.

**CM Gordon moved, seconded by CM Butler, to let Rebecca Conley at 5313 Cahill Oval reschedule her garage sale for this coming weekend. All voted "Aye."**

**10. CONSIDER APPROVAL TO RENEW CONTRACT WITH EXTREME PYROTECHNICS LLC FOR FIREWORKS DISPLAY DURING THE ANNUAL ALL AMERICAN FESTIVAL FOR THE NEXT 3-YEARS**

CM Gordon relayed comments she has received that the fireworks show be shorter. CM Gordon proposed the amount spent on the show be reduced this year. Mayor Earwood presented the suggestion to hold the event two weeks prior to the July 4<sup>th</sup> weekend in order to provide relief from rising temperatures. Sanders confirmed that date is available. It was mentioned that the event may have to change location since the grocery store lease has been bought out.

**CM Butler moved, seconded by CM Ashton, to renew the contract with Extreme Pyrotechnics LLC for fireworks display not exceeding \$7,500 annually for 3 years, and to authorize the Mayor to negotiate the date and the cost of a shorter show. All voted "Aye."**

Mayor Pro Tem Holland expressed concern with moving the date too far from July 4<sup>th</sup> which led to a brief discussion.

11. DISCUSSION AND/OR ACTION ON AMENDING THE MAY 18, 2015 CONTRACT WITH TXU SETTING THE ELECTRIC COMMODITY CHARGES FOR CITY FACILITIES

CS Gregory explained two options to lock in a new electric rate resulting in savings. Mayor Earwood requested support of the Council to meet with the representative and negotiate a new rate and the beginning time of that rate.

**CM Ashton moved, seconded by CM Scott, to extend the May 18, 2015 contract with TXU setting the electric commodity charges on June 1, 2018 for city facilities for an additional 27-months at \$4.136 per kwh and authorizing the city administrator and the mayor to negotiate that immediately as opposed to at the end of the existing contract. All voted "Aye."**

12. DISCUSSION AND/OR ACTION ON AMENDING THE BOARD ORDERS AND CIVIL PENALTIES ISSUED ON THE SUBSTANDARD PROPERTY AT **5008 SHERWOOD DR.** AS REQUESTED BY ROUNDPOINT MORTGAGE SERVICING CORPORATION, THE ATTORNEY-IN-FACT AND TRUSTEE FOR NEWLANDS ASSET HOLDING TRUST

Jolene Grey Skipworth, listing agent for the property, explained that the bank just became aware of the pending liabilities on the property. Ms. Skipworth presented the bank proposal to pay the "hard" cost (liens), to bring the property up to code within 60-days in lieu of any of the civil penalties that are currently on the property.

Mayor Pro Tem Holland mentioned other "hard" cost which may include legal fees. CA Elam stated that her office has drafted a petition that is due to be filed tomorrow to collect the civil penalties and to take action under Chapter 54. CA Elam commented that the bank was aware when an attorney appeared in June requesting additional time. CA Elam mentioned a time line starting in 2013 when the first notice of violation was sent to the previous owner.

CA Elam requested the name on the order be changed to the actual owner. Ms. Skipworth stated that Newlands Asset Holding Trust is the owner.

Mayor Pro Tem Holland inquired if a representative could be assigned to negotiate the civil penalties if compliance is met within the 60-days. Ms. Skipworth stated the position of the bank is that the civil penalties be prorated for only the months they have owned the property.

**CM Ashton moved, seconded by CM Gordon, to amend the June 9, 2015 order for 5008 Sherwood for civil penalties by adding Newlands Asset Holding Trust as the new owner of record. All voted "Aye."**

13. CONSIDER APPROVAL TO AMEND THE OCTOBER 27, 2015 BOARD ORDERS ON SUBSTANDARD PROPERTY AT **5905 BLACK OAK LANE** THAT EXPIRED WITHOUT COMPLIANCE ON JANUARY 25, 2016

**Agenda items 13 and 14 were discussed simultaneously, refer to agenda item 14 for action taken.**

14. CONSIDER APPROVAL TO AMEND THE OCTOBER 27, 2015 BOARD ORDERS ON SUBSTANDARD PROPERTY AT **5909 BLACK OAK LANE** THAT EXPIRED WITHOUT COMPLIANCE ON JANUARY 25, 2016

Agenda items 13 and 14 were discussed simultaneously.

Sanders reported no work, no contact and no permits for either of these two properties. Sanders reported issuing citations for maintaining substandard structures – which have been paid. Sanders stated that he informed the property owner to be present at this meeting. Sanders recommended pursuing enforcement action through district court. CA Elam stated that this process has been initiated.

**CM Ashton moved, seconded by CM Gordon, to authorize the CA Elam to file suit on the two properties in civil court. All voted "Aye."**

15. CONSIDER APPROVAL TO AMEND THE OCTOBER 27, 2015 BOARD ORDERS ON SUBSTANDARD PROPERTY AT **4829 KESSLER RD.** THAT EXPIRED WITHOUT COMPLIANCE ON JANUARY 25, 2016

Sanders reported a potential new owner and provided an executed contract to CA Elam. Sanders reported no progress and no contact until very recently. Sanders requested no action be taken in order to allow the new owner to take possession. Sanders reported the property was secured by city staff and a lien has been filed for the cost. It was suggested that if the new owner has not taken possession or is not in attendance that the order to demolish be executed.

This agenda item will be continued to the next regular meeting on February 23, 2016.

16. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH NT SIGNAL SERVICE, INC. TO PROVIDE MAINTENANCE ON SCHOOL ZONE FLASHERS FOR TERMS OF 12 MONTHS OVER THE NEXT 3-YEARS

Mayor Earwood explained this contract is approved for 12-months at a time over the next 3-years.

**CM Gordon moved, seconded CM Scott, to enter into an agreement with NT Signal Service Inc to provide maintenance on school zone flashers for terms of 12 months over the next 3 years. All voted "Aye."**

**17. DISCUSSION AND/OR ACTION ON EXPENDING FUNDS TO COMPLETE FENCING AROUND COMMUNITY CENTER PROPERTY**

Brief discussion occurred related to continuing the fence around the Community Center. This agenda item will be re-presented once staff has obtained additional quotes and researched the most feasible method of funding the project.

**No action was taken.**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

**18. PUBLIC HEARING CONTINUED FROM JANUARY 26, 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 26, 2016.

Mike Summers, property owner's son, stated that all the required signatures have been obtained and he will communicate the closing date when available. Mr. Summers agreed to pay the substandard fee and obtain the initial permit to begin the repairs.

At 8:58 p.m. this public hearing was closed.

**19. 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**

**CM Gordon moved, seconded by CM Ashton, that the City Council find that the building located at 619 Harrisdale Avenue 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, and/or safety of the public (and occupants of the buildings if applicable, are endangered; and 2) that the building is feasible of repair; and therefore order the building to be repaired by the owner within 90 days and the lienholder or mortgagee to within an additional 30-days if the owner does not comply; and 3) the board orders commencement of**

repairs within 30-days 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 and the debris removed within 90 days 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 90 days, 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 90 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished; and 5) updates shall be provided to the building inspector every 30-days 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. All voted "Aye."

**OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:**

20. DISCUSSION AND/OR ACTION ON PROVIDING GOOD FRIDAY, MARCH 25, 2016 AS A PAID HOLIDAY FOR CITY EMPLOYEES

The request was made to provide Good Friday March 25, 2016 as a holiday for City Employees. It was noted that this request is approved for this year only. Mayor Pro Tem Holland requested the personnel policy be amended to reflect the actual number of holidays days given. Discussion occurred related to the budgetary impact, particularly with regard to essential employees.

**CM Butler moved, seconded by CM Ashton, to give employees Good Friday as a paid holiday. All voted "Aye."**

21. CONSIDER APPROVAL OF AGREEMENT TO UPGRADE TO A 100 MEGA BIT DOWN LOAD INTERNET CONNECTION

LD Stewart explained the situation that occurred when Tarrant County began requiring videos be uploaded for submittal, stating that the upload must be continually monitored and at the current upload speed this can take several hours. The request was made to upgrade both City Hall and the Police Department at a cost of approximately \$725.00 per month. CS Gregory suggested splitting the cost equally between the two departments at this time with a possible budget amendment request at mid-year. Discussion occurred as to validity of paying a portion of the cost from the court technology fund. CA Elam suggested a portion of the funding could come from the Crime Control and Prevention District.

**CM Butler moved, seconded by CM Scott, to approve the agreement to upgrade to a 100 mega bit download internet connection. All voted "Aye."**

**STAFF REPORTS:**

22. REPORT FROM FIRE DEPARTMENT ON CONTROL BURN AND FIRE TRAINING EXERCISE AT 5422 MEANDERING ROAD ON SATURDAY, FEBRUARY 6, 2016

Sanders reported approximately 65 people attended the controlled burn with 40 actual working on the ground from 5 departments. Sanders stated that Tarrant County brought two arson dogs.

**No action was taken.**

23. POLICE DEPARTMENT TRAINING ANNOUNCEMENT

LD Stewart described a virtual active shooter event to be held by the police department on March 8, 2016 and March 19, 2016.

**No action was taken.**

**PUBLIC FORUM:**

24. 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**

**David Holder** thanked the council for their service and requested that Castleberry ISD Police Department be contacted regarding the previously mentioned training program.

**David Holder** announced a reception to welcome the new superintendent John Ramos on February 29, 2016 at 6:30 p.m.

**EXECUTIVE SESSION:**

25. 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:
- 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.

**None called for.**

**RECONVENE:**

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

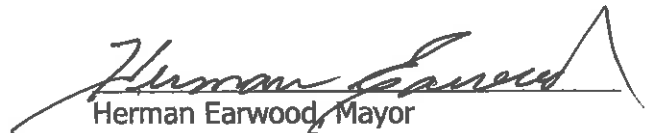
**None.**

**ADJOURN:**

27. ADJOURN

**At 9:31 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