

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 22, 2016**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
EMC COORDINATOR JAMES MYRICK
PUBLIC WORKS DIRECTOR GORDON SMITH
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
ATTORNEY ANDREA RUSSELL FOR 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, November 22, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

CM Holland 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 NOVEMBER 8, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 22, 2016 (FY 2017)
- C. APPROVE HIRING OF POLICE OFFICER
- D. APPROVE HIRING OF DISPATCHER
- E. CONSIDER APPROVAL OF DEVELOPMENT AGREEMENT AS RECOMMENDED BY E.D.C. FOR TAX ABATEMENT (WAIVING PERMIT FEES) PERTAINING TO THE NEW CONSTRUCTION OF A 5,318 COMMERCIAL BUILDING ON THE PROPERTY AT 5177 RIVER OAKS BLVD.

- F. APPROVE EDC 4TH QUARTER FINANCIAL REPORT (JULY 1 – SEPT 30, 2016).
- G. APPROVE CCPD 4TH QUARTER FINANCIAL REPORT (JULY 1 – SEPT 30, 2016)
- H. APPROVE 4TH QUARTER INVESTMENT REPORT (JULY 1 THROUGH SEPT 30, 2016)
- I. APPROVE APPOINTMENT OF PWD GORDON SMITH AS ALTERNATE MEMBER TO STORM WATER TASK FORCE REPLACING FABIAN NEATHERY

CM Gordon moved, seconded by CM Butler, to approve consent agenda items A through I. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON PROGRESS REPORT AMENDING OR ENFORCING THE JUNE 28, 2016 ORDER OF THE BUILDING BOARD OF APPEALS AS AMENDED ON THE SUBSTANDARD PROPERTY AT 901 CHURCHILL

Thomas Bankston was present.

BI Sanders reported ongoing progress including the upgrade of the electrical system, missing siding on the exterior, rotten wood on the soffits and eaves, and setting the new condensing unit. BI Sanders requested a 30-day extension with weekly progress checks. BI Sanders cited the remaining violations as finishing the hot water heater, installing plumbing fixtures, gas test, finishing the A/C unit, completing the interior and exterior improvements and obtaining a Certificate of Occupancy.

Mayor Earwood stated that this agenda item will be continued to December 13, 2016 at 7:00 p.m.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to amend the June 28, 2016 order of the Building Board of Appeals for 901 Churchill amending that order to extend it 21 days from today with future extensions to be conditional and with continued weekly progress reports with Building Inspector Sanders. All voted "Aye."

8. CONSIDER AMENDING THE AUGUST 9, 2016 BOARD ORDER ON SUBSTANDARD PROPERTY AT 619 HARRISDALE

Epifanio Ramos, 618 Harrisdale and owner of 619 Harrisdale, requested 60 days to complete the substandard abatement.

BI Sanders reviewed the remaining repairs and stated that they are adding on to the rear of the house in order to tie into the existing roof which had to be replaced. Sanders reported constant contact with Mr. Ramos who has been delayed due to illness of a family member. Sanders supported the 60-day extension with weekly progress checks.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to amend the August 9, 2016 Board Order on the substandard property at 619 Harrisdale giving an additional 60-days with weekly checks. All voted "Aye."

9. CONSIDER APPROVAL OF PUBLIC WORKS DIRECTOR'S RECOMMENDATION TO ENTER INTO AGREEMENT FOR ENGINEERING SERVICES WITH M.J. THOMAS ENGINEERING REGARDING THE DRAINAGE CHANNEL FROM MCGEE PARK TO CITY HALL

PWD Smith described the goal of the "Almena Drainage Channel" study project which is to identify improvements to elude the erosion and to protect the utilities. It was stated that this is the only drainage channel owned by the City. The results of the study will be presented to the Storm Water Task Force with a design recommendation for the improvements. PWD Smith requested approval of the surveying proposal and the engineering design.

CM Scott moved, seconded by CM Butler, to approve the professional surveying services for \$14,700 to do the Almena drainage channel study. All voted "Aye."

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve the Public Works Directors recommendation on the design phase with MJ Thomas Engineering in the amount of \$39,650. All voted "Aye."

10. CONSIDER APPROVAL TO WAIVE LIENS FOR CODE ABATEMENT FROM 2001 THROUGH 2005 ON THE PROPERTY AT 1601 HILLSIDE DR.

CS Gregory explained that these liens were executed prior to the property being struck off to the school district in 2005, stating that the City had received a portion of approximately \$3,228 which should have satisfied the liens at the time. Linebarger firm has recommended waiving the liens.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to waive the liens for code abatement from 2001 to 2005 on the property at 1601 Hillside due to the procedures that are not valid any longer.

CS Gregory confirmed that the school district has maintained the property with the exception of a couple of times since 2005. Discussion occurred related to the priority of liens when a property is struck off to an entity.

All voted "Aye."

11. DISCUSSION AND/OR ACTION ON FINANCE COMMITTEE'S RECOMMENDATION FOR THE FLSA RULE EFFECTIVE DECEMBER 1, 2016 REGARDING OVERTIME RULE FOR EXEMPT AND NON-EXEMPT EMPLOYEES

Mayor Earwood recommended this item be postponed due to a federal ruling. Attorney Russell stated the recommendation of her office is to continue with action in case the temporary injunction is lifted and a permanent ruling is made prior to the next City Council meeting. As an alternative, Attorney Russell suggested authorizing CS Gregory to move ahead if the need arises so that the City will be in compliance. Mayor Earwood stated that this item would be discussed in executive session at the end of the meeting.

Refer to agenda item 30 for action taken following executive session.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

12. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON AMENDING THE RIVER OAKS CODE OF ORDINANCES UNDER CHAPTER 13 "UTILITIES" BY REVISING THE STORM WATER UTILITY FEES AS SET FORTH IN CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED, SPECIFICALLY IN SECTION 13.12.012 "STORM WATER UTILITY FEES" FOR RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS

At 7:34 p.m. the public hearing was opened.

CS Gregory cited the Storm Water Task Force recommendation to increase the storm water fees in order to assist with the renovation of the storm system and to educate the public. Residential fees would increase from \$4.00 to \$6.00 per month. The non-residential fees are based on the feet of impervious area. The increase would take effect on the January bill.

At 7:41 p.m. the public hearing was closed.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF **ORDINANCE 1123-2016** AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED SPECIFICALLY SECTION 13.12.012, "STORMWATER UTILITY FEE"; REVISING MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING THE STORMWATER UTILITY SYSTEM AS AUTHORIZED BY LAW; AND PROVIDING AN EFFECTIVE DATE

CM Butler moved, seconded by CM Scott, to approve Ordinance #1123-2016. All voted "Aye."

14. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

This public hearing was continued from the November 8, 2016 meeting.

It was stated that this property is in litigation.

Mayor Earwood announced that this public hearing would remain open and be continued on December 13, 2016 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.

STAFF REPORTS:

16. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on some of the following properties:

- 5008 SHERWOOD – Electrical and plumbing approved. Vacant, no contact, will be released when certificate of occupancy is approved.
- 603 HARRISDALE – Bids for demo, title search requested to verify any interested parties. Mayor Earwood requested the utilities be disconnected two weeks prior to the order expiration in order to expedite the demolition. Discussion occurred related to the topic of utility disconnection.
- 4900 ALMENA RD. – Civil penalties, City Attorney is involved.
- 5905 BLACK OAK – District Court, no permits, no work. CS Gregory reported the payments have been made as agreed and the owner has requested additional time to demolish.
- 5909 BLACK OAK – District Court, no permits, no work. CS Gregory reported the payments have been made as agreed and the owner has requested additional time to demolish.
- 4829 KESSLER – Off substandard
- 1202 BANKS – Public hearing on December 13, 2016
- 619 HARRISDALE – discussed earlier
- 5411 PURDUE – 180 days from August 9, 2016 to submit plans or remove the accessory building. No contact.
- 606 WORTHVIEW – discussed earlier
- 901 CHURCHILL – discussed earlier
- 5513 AMHERST – CS Gregory reported an extension under the building official.
- 1123 YALE – will be removed.
- 1505 GREENBRIER – consistence progress
- 5600 TAYLOR – on schedule to meet the deadline.

No action was taken.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

17. 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 reported the hiring of a new dispatcher and a new police officer.

PC Carter reported the approval of a reimbursement grant for body cameras. A policy has been established that will be implemented. PC Carter will provide Council Members the policy. Mayor Earwood stated that the policy has been modified for the Code Officers which will be a pilot program and presented to the City Council in January 2017.

PC Carter stated that the starting salaries for police officers are increasing, potentially due to the increased risk they assume.

Mayor Pro Tem Ashton questioned the purchase of pig feed to which PC Carter will research.

No action was taken.

18. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

21. 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.

22. 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.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

27. 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.

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

No discussion occurred.

PUBLIC FORUM:

29. 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**

EXECUTIVE SESSION:

30. 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. **Overtime Rule for Exempt and Non-Exempt Employees.**

d. Section 551.076 Deliberation regarding security devices.

At 8:11 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074 and Section 551.076.

At 8:23 p.m. Mayor Earwood reconvened into regular session.

RECONVENE:

31. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to not make any changes at this time other than to direct the City Administrator and the Finance Committee to have the authority should the legal situation change on this on this item for exempt employees. All voted "Aye."

CM Holland explained that the overtime rule was changed by executive order which was to become effective December 1, 2016. CM Holland stated that several states file suit resulting in a temporary injunction negating the effective date.

ADJOURN:

32. ADJOURN

At 8:25 p.m. Mayor Pro Tem Ashton moved to adjourn the meeting.

CM Holland expressed appreciation for the support shown for the MPS Society which filled the Community Center and raised approximately \$23,000-\$24,000.

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

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor