

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

**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  
EMC COORDINATOR JAMES MYRICK  
ADMINISTRATIVE SECRETARY CASSANDRA CURRY  
BUILDING INSPECTOR STEVE SANDERS  
CODE ENFORCEMENT OFFICER JUSTIN WOODALL  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
ATTORNEY DEAN ROGGIE 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, March 22, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton delivered the Invocation.

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

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

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

None.

[At 7:01 p.m. Mayor Earwood convened into executive session under Section 551.071, 551.072, and 551.074.]

[At 7:16 p.m. Mayor Earwood convened into regular session.]

**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 FEBRUARY 23, 2016 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING MARCH 8, 2016 (FY 2016)
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING MARCH 22, 2016 (FY 2016)

- D. APPROVE RESIGNATION OF PUBLIC WORKS EMPLOYEE WESLEY LEWIS
- E. APPROVE HIRING OF JAMES HATLEY AS PART TIME EQUIPMENT OPERATOR IN PUBLIC WORKS DEPARTMENT
- F. APPROVE THE HIRING OF L.C. ROUTE ~~IN THE PERSONNEL DEPT.~~ AT THE COMMUNITY CENTER (DEPT. 01-533)
- G. RATIFY THE APPOINTMENT OF DAN CHISHOLM AS THE PLACE 6 DIRECTOR MEMBER ON THE ECONOMIC DEVELOPMENT CORPORATION

CS Gregory responded to concerns regarding the wording of consent agenda item F, clarifying that the employee would be part of the Community Center personnel but not in the personnel department.

**CM Ashton moved, seconded by CM Gordon, to approve the consent agenda items A through G.**

Mayor Pro Tem Holland requested the wording "personnel department" be removed from consent agenda item F.

**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 THE INSPIRATION LANE STORM WATER IMPROVEMENT PROJECT FROM MICKEY THOMAS ENGINEERING THAT BASED FROM THE FINAL INSPECTION IS NOT APPROVED FOR FINAL PAYMENT

It was announced that CM Gordon had filed a conflict of interest form with CS Gregory.

[CM Gordon left the dais.]

Mickey Thomas described some deficiencies in the construction stating there were no expansion joints provided and no control joints, along with a few minor issues. Mr. Thomas stated that the contractor has offered to additional 3-year warranty above the original 2-year maintenance bond and install some expansion joints every 30-feet. The alternative would be to remove and re-pour the concrete. Mr. Thomas recommended accepting the extended maintenance agreement and providing payment once they complete the punch-list and expansion joints. Mr. Thomas confirmed that a favorable reference would not be given for this contractor. CM Butler was in favor of holding the payment for the duration of the 5-year warranty period if possible.

**CM Scott moved, seconded by Mayor Pro Tem Holland, to accept the recommendation from Mickey Thomas Engineering to get an additional 3-years for the contract on additional bonding and to continue on with the project based on the recommendations. All voted "Aye."**

[CM Gordon returned to the dais.]

8. CONSIDER APPROVAL OF REQUEST BY EDGAR CELESTINO AT 1204 HARVARD TO EXTEND CERTIFICATE OF OCCUPANCY PERMIT AND INSPECTIONS

Edgar Celestino, 1204 Harvard, requested another 3-months extension to complete the required repairs.

Inspector Sanders recommended allowing the 3-month extension. Sanders reported that the electrical system has been upgraded which was the most hazardous of the required repairs.

**CM Butler moved, seconded by CM Ashton, to extend for Mr. Celestino and additional 90-days to get his C/O. All voted "Aye."**

9. DISCUSSION AND/OR ACTION REGARDING THE FAILURE OF THOMAS BANKSTON AT 901 CHURCHILL RD. TO BEGIN MEETING CERTIFICATE OF OCCUPANCY PERMITTING REQUIREMENTS IN FEBRUARY, 2015 WITH UPDATED PROGRESS INSPECTIONS AS ORDERED BY THE CITY COUNCIL ON OCTOBER 27, 2015

Thomas Bankston, owner of 901 Churchill, described some financial and medical setbacks that have delayed his progress. Mr. Bankston requested another 180-days to bring the property into compliance. Mr. Bankston indicated that he would like to convert the home from gas to electric. Mr. Bankston stated that he is not living at this address and that he showers, eats, and sleeps at another location. Mayor Earwood requested the exterior property be maintained. Inspector Sanders agreed with the 180-day with mandatory 30-day progress checks.

**CM Ashton moved, seconded by CM Gordon, per staff recommendation to grant 30-day extensions with pending future extensions eto be considered for 30-days each pending staff's recommendation and with staff performing the initial inspection on the property at 901 Churchill and reporting back to us in 30-days. All voted "Aye."**

10. DISCUSSION AND/OR ACTION ON AMENDING THE SUBSTANDARD BUILDING ORDER ISSUED ON THE PROPERTY AT 1213 CAMBRIDGE AVE.

Inspector Sanders reported full compliance with an approved Certificate of Occupancy.

**No action was taken.**

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

11. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST IN THE **SHURTLEFF SUBDIVISION BEING LOT 10, BLOCK 1** AS REQUESTED BY THE RECORD OWNER, **BURING LLC**, RE-PLATTING THE EXISTING .4754

ACRE LOT INTO 2 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-03)**

At 7:44 p.m. the public hearing was opened.

Mayor Earwood described the property as the corner of Yale and Meandering with two separate houses currently using two separate addresses. Mayor Earwood delivered the recommendation of the Planning and Zoning Commission to re-plat the property.

At 7:46 p.m. the public hearing was closed.

12. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED REPLAT REQUEST IN THE **SHURTLEFF SUBDIVISION BEING LOT 10, BLOCK 1** AS REQUESTED BY THE RECORD OWNER, **BURING LLC**, RE-PLATTING THE EXISTING .4754 ACRE LOT INTO 2 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-03)**

**CM Butler moved, seconded by CM Gordon, to approve the proposed re-plat request in the Shurtleff Subdivision being Lot 10, Block 1 as requested by the record owner, Buring LLC, re-platting the existing .4754 acre lot into 2 separate individual lots in an R-4 single-family zoning district (Zoning Case 2016-03). All voted "Aye."**

13. **PUBLIC HEARING:** : IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1203 YALE ST.**

At 7:47 p.m. the public hearing was opened.

CS Gregory requested the public hearing be continued to allow staff to properly notify an owner that has not been notified.

It was announced that this public hearing will remain open and be continued on April 12, 2016 at 7:00 p.m.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1203 YALE ST.** 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 at this time.**

**ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

15. CONSIDER APPROVAL OF **ORDINANCE # 1099-2016** BY AMENDING THE FY 2016 GENERAL FUND BUDGET BY EXPENDING COMMUNITY CENTER DOLLAR DONATIONS TO INSTALL 245-FEET OF BLACK CHAIN LINK FENCING ON COMMUNITY CENTER PROPERTY AND REPEALING **ORDINANCE # 1097-2016** IN ITS ENTIRETY AS FORMERLY ADOPTED ON FEBRUARY 23, 2016

CS Gregory stated that the fence is in place.

**CM Scott moved, seconded by CM Ashton, to approve Ordinance #1099-2016 by amending the FY 2016 general fund budget and repealing Ordinance #1097-2016 and approve the \$3896 for the project. All voted "Aye."**

Mayor Earwood responded to an inquiry, stating that the tops of the wrought iron fence have been removed and plugged due to recent vandalism.

**All voted "Aye."**

16. CONSIDER APPROVAL OF **ORDINANCE # 1100-2016** AMENDING THE FY 2016 GENERAL FUND BUDGET BY EXPENDING FUNDS FROM THE POLICE DRUG SEIZURE ACCOUNT TO PURCHASE BEAN- BAG SHOTGUNS FOR THE POLICE DEPT.

PC Carter requested to purchase some bean bag guns as an alternate use of force that can be used from a distance. The funding would come from the seizure account. The bean bag guns will be carrying by the sergeant or senior officer in their vehicles.

**CM Ashton moved, seconded by CM Gordon, to approve Ordinance #1100-2016 amending the FY 2016 general fund budget by expending funds from the police drug seizure account to purchase bean-bag shotguns for the Police Department in the amount of \$1,699.72. All voted "Aye."**

17. CONSIDER APPROVAL OF **RESOLUTION # 852-2016** ADOPTING STANDARD OPERATING PROCEDURES FOR SEWER OVERFLOWS WITHIN THE RIVER OAKS SEWER SYSTEM

CS Gregory stated that TCEQ ordered a standard operating procedure for sewer overflows resulting from a violation that occurred over the holidays.

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

18. CONSIDER APPROVAL OF **ORDINANCE # 1101-2016** AMENDING THE WATER SERVICE POLICY SPECIFICALLY UNDER SECTIONS 13.02.032 "DELINQUENT CHARGES" & 13.02.033 "PAYMENT ARRANGEMENTS".

CS Gregory explained that the new web payment process post payments to the Incode system at night which causes a conflict with the 5:00 p.m. deadline. CS Gregory stated that the water clerks now have to come in at 6:00 a.m. to process the payments without cutting them off for

non-payment. CS Gregory requested the deadline be changed from 5:00 p.m. to 6:00 a.m. on the next business day for all payments. Mayor Pro Tem Holland stated that there is commonly a lag-time for electronic payments. Mayor Pro Tem Holland requested the wording in the document be consistent, either stating 6:00 a.m. or the start of the business day.

**CM Ashton moved, seconded by CM Gordon, to approve Ordinance #1101-2016 with changes recommended by Mayor Pro Tem Holland. All voted "Aye."**

**STAFF REPORTS:**

**19. STAFF REPORT ON SUBSTANDARD PROPERTIES**

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

- 604 FRONTIER – Tax sale on April 5, 2016.
- 5008 SHERWOOD – Contractors have been bidding the repairs.
- 603 HARRISDALE – contact with the owner's son reveals it is still in probate.
- 4900 ALMENA RD.
- 5312 TAYLOR RD.
- 1213 CAMBRIDGE
- 1204 HARVARD
- 901 CHURCHILL
- 4829 KESSLER
- 5905 BLACK OAK
- 5909 BLACK OAK
- 1202 BANKS – Complying with 30-day progress checks.
- 1709 MELBA
- 619 HARRISDALE
- 1203 YALE

- 1605 NANCY LANE – The electrical has been approved. The building official order expires on May 2, 2016 and there is an active electrical permit.
- 5411 PURDUE
- 5511 AMHERST – Active building permit.
- 5513 AMHERST
- 1123 YALE
- 1505 GREENBRIER – Complying with 30-day progress checks.
- 606 WORTHVIEW
- 5600 TAYLOR (Accessory Building)

**No action was taken.**

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

**20. DISCUSSION AND/OR ACTION ON APPROVING THE LOCATION FOR THE JUNE 18, 2016 ALL AMERICAN FESTIVAL**

Mayor Earwood announced that permission has been received from the school district to use the elementary parking lot for the celebration event.

CS Gregory explained that staff is attempting to obtain contact information regarding the former Super Save to hold the celebration at that location. Director Wheat spoke in favor of this location.

Much discussion occurred related to the location, the fireworks and cleanup afterward.

**CM Ashton moved, seconded by CM Butler, to approve Castleberry Elementary parking lot for the June 18, 2016 All American Festival and still authorizing staff to look into the Super Save as an alternate. All voted "Aye."**

**CM Gordon pointed out that the date of the event is Father's Day weekend.**

**21. CONSIDER APPROVAL FOR CARTER BLOOD CARE TO HOLD A BLOOD DRIVE IN THE CITY HALL PARKING LOT ON MAY 24, 2016 FROM 10:30 A.M. UNTIL 3:30 P.M.**

No discussion occurred.

**CM Ashton moved, seconded by CM Gordon, to approve Carter Blood Care to hold a blood drive in the City Hall parking lot on May 24, 2016 from 10:30 a.m. until 3:30 p.m. All voted "Aye.**

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

**22. 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 handed out certificates for those who participated in the virtual shooter simulator.

PC Carter announced that Police Department Banquet would be held on April 15, 2016.

**No action was taken.**

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

Sanders reported the fire truck is in production.

**No action was taken.**

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

No discussion occurred.

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

No discussion occurred.

**26. 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.

**27. 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.

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



No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

32. **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.

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

No discussion occurred.

**PUBLIC FORUM:**

34. 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**

**None.**

**EXECUTIVE SESSION:**

35. 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. **Appeal of the Termination of Artis Dennis in the Public Works Department pursuant to Section 8.01 "Discipline Procedures"; 8.01(b)(4) of the City of River Oaks Personnel Policy.**
- d. Section 551.076 Deliberation regarding security devices.

**Executive Session was called for earlier following Agenda Item #4. No Official Action was voted on.**

**RECONVENE:**

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

**ADJOURN:**

37. ADJOURN

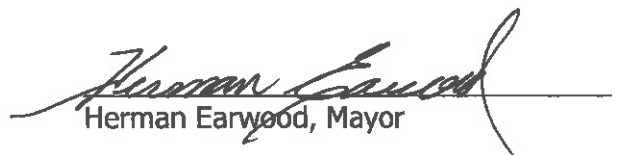
**At 8:31 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

**ATTEST:**



Marvin Gregory, City Secretary

  
Herman Earwood, Mayor