

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 25, 2016**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

COUNCIL MEMBER JOANN BUTLER (OUT OF TOWN)  
COUNCIL MEMBER STEVE HOLLAND (OUT OF TOWN)

**STAFF PRESENT:**

ASSISTANT CITY SECRETARY PAULA LUCK  
DETECTIVE LIEUTENANT CHARLES STEWART  
BUILDING INSPECTOR STEVE SANDERS  
EMC COORDINATOR JAMES MYRICK  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY  
PUBLIC WORKS DIRECTOR GORDON SMITH  
EDC COORDINATOR PATRICIA WARD  
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, October 25, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

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:

- CCDAC RED RIBBON WEEK

Mayor Earwood read a proclamation declaring October 23 through October 31, 2016 as Red Ribbon Week.

**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 OCTOBER 11, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING OCTOBER 25, 2016 (FY 2017)
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2016 (FY 2016)

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve consent agenda items A, B and C. All voted "Aye."**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**No discussion occurred and no action was taken.**

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

7. DISCUSSION AND/OR ACTION TO ENTER INTO A 27-MONTH CONTRACT WITH TXU ENERGY ELECTRICAL RATE FOR THE TERM PERIOD OF 3/1/2021-5/31/2023 FOR CITY FACILITIES

Mayor Earwood requested ratification of a 27-month extension of the contract with TXU for electrical usage.

PWD Smith recommended approval to extend the current 33-month contract with TXU for an additional 27 months at .03876 per kWh. PWD Smith mentioned a Greenback program which offers rebates for improvements that reduce kW usage.

**Mayor Pro Tem Ashton moved, seconded by CM Scott, to enter into a 27-month contract with TXU Energy and to ratify the Mayor's 27-month contract with TXU Energy for the electrical rate for the term period of 3/1/2021 through 5/31/2023. All voted "Aye."**

8. DISCUSSION AND/OR ACTION ON PROGRESS REPORT REGARDING SUBSTANDARD PROPERTY AT 901 CHURCHILL

Thomas Bankston reported that the roof and the foundation repair have been approved by BI Sanders since the last meeting. Mr. Bankston stated his intention to complete the plumbing repairs as the next step.

BI Sanders recommended a 30-day extension with weekly progress checks during which if work stops the order be carried out. Mayor Earwood clarified that the order is to remove the structure.

CM Gordon cited the order which states "significant improvements" which she cautioned need to continue.

**Mayor Pro Tem Ashton moved, seconded by CM Scott, to amend the June 28, 2016 order to allow for an additional 30-days for significant progress at 901 Churchill with weekly progress reports to the building inspector with the understanding that if the work stops or does not meet his satisfaction that the existing order currently stands.**

Mr. Bankston stated the intention to have the property in full compliance within 2-months.

BI Sanders responded to an inquiry stating that the foundation has been repaired to code and the roof shingles were replaced.

**All voted "Aye."**

**9. DISCUSSION AND/OR ACTION ON SUBSTANDARD BUILDING LOCATED AT 5116 RIVER OAKS BLVD.**

An unidentified male representing the property summarized the items completed within the past 90-days as "all of the plumbing and electrical, cleaned the grease trap, and relocated the Knox box." He cited the remaining issues as the rear door and the ventilation for the hot water heater.

BI Sanders confirmed that the building is not off of substandard, stating that the removal of the equipment exposed some open wires, openings on the floor and mold on walls. BI Sanders added that the fire suppression system needs to be inspected and the parking lot needs to be repaired. Mayor Earwood mentioned that the parking lot could be done by the new tenant prior to the issuance of an approved certificate of occupancy. BI Sanders presented pictures of the property in the current state.

CA Elam stated that civil penalties of up to \$1,000 per day could be imposed on the owner following proper notification of a hearing.

The representative requested 30-days to correct the remaining items. The representative was informed of his responsibility to contact the inspections department to schedule weekly progress meetings.

**Mayor Pro Tem Ashton moved, seconded by CM Scott, to direct staff to prepare this to bring back for civil penalties in two weeks and that they would be allowed to get permits as needed to address the substandard issues.**

The representative stated that they intend to assign the lease to the church on November 1, 2016. CA Elam confirmed that the civil penalties would be assessed against the record owner of the property regardless of the lessee.

Nick Panzera, Victory Church, stated that the church is buying out the lease and previous lessee would be responsible for any penalties levied. CA Elam confirmed that the previous lessee would be named in the order making it a matter between the previous lessee and the owner.

Mayor Earwood cautioned that if the property is not in compliance by November 8, 2016 at 7:00 p.m., civil penalties could be assessed.

**All voted "Aye."**

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

**10. 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 October 11, 2016 meeting.

Mayor Earwood announced that this public hearing would remain open and be continued on November 8, 2016 at 7:00 p.m.

**11. 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

**None.**

**12. PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED SITE PLAN REQUEST PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO CONSTRUCT A NEW 2,400 SQUARE FOOT COMMERCIAL BUILDING TO BE USED FOR STORAGE AND FOR A WORKSHOP ON THE COMBINED .5047 ACRES OF LAND THAT IS BEING PLATTED INTO A SINGLE COMBINED LOT IN THE R.W. WEATHERFORD SUBDIVISION AND ONCE RECORDED IN THE DEED OF RECORDS SHALL BE THEN DESCRIBED AS BEING BLOCK 3, LOT 14A R.W. WEATHERFORD SUBDIVISION (**ZONING CASE # SP 2016-0006**)

At 7:32 p.m. the public hearing was opened.

Louis Lambert, property owner, stated his intention to relocate a personal warehouse and shop which would not be open to the public. Mr. Lambert described the proposal to put the two lots together and build a structure in the middle. Mayor Earwood expressed concern due to the proximity of this location to the school.

At 7:37 p.m. a brief pause occurred while Mayor Earwood stepped away from the dais, leaving the meeting without a quorum.

At 7:38 p.m. Mayor Earwood returned and reconvened the meeting.

After publication and posting review, it was mentioned that the Planning and Zoning Commission recommended re-plat approval, but did not make a recommendation for approval of a non-conforming structure, an amending plat, nor a site plan. CA Elam stated that the zoning administrator could approve an amending plat. CA Elam stated that approval of a site plan requires a recommendation from the Planning and Zoning Commission prior to any action being taken by the City Council.

Staff will approve the amending plat if it meets the requirements and the site plan will go back to the Planning and Zoning Commission and to the City Council.

At 7:49 p.m. the public hearing was closed.

**13. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF SITE PLAN REQUEST PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO CONSTRUCT A NEW 2,400 SQUARE FOOT COMMERCIAL BUILDING TO BE USED FOR STORAGE AND FOR A WORKSHOP ON THE COMBINED .5047 ACRES OF LAND THAT IS BEING PLATTED INTO A SINGLE COMBINED LOT IN THE R.W. WEATHERFORD SUBDIVISION AND ONCE RECORDED IN THE DEED OF RECORDS SHALL BE THEN DESCRIBED AS BEING BLOCK 3, LOT 14A R.W. WEATHERFORD SUBDIVISION (**ZONING CASE # SP 2016-0006**)

**No action was taken.**

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

14. CONSIDER APPROVAL OF **ORDINANCE # 1127-2016** REVISING ARTICLE 13.07 WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS THEREBY REPEALING THE FORMER 2011 WATER CONSERVATION & DROUGHT CONTINGENCY PLAN ADOPTED SEPTEMBER 27, 2011 BY ORDINANCE # **903-2011**

Bill Lohrke recommended the City adopt the proposed water conservation drought contingency plan which is required every five years. The proposal has been updated based on the criteria from the Texas Commission on Environmental Quality, the Water Development Board and in accordance with Region C Planning Group of the Texas Water Development Board and modeled after Tarrant Regional Water District. The new plan list 86 gallons per capita per usage as a way to conserve water. Mr. Lohrke stated that the exhibit may be changed based on growth from 1% to ½%.

**CM Scott moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1127-2016 revising Article 13.07 Water Conservation and Drought Contingency Plans. All voted "Aye."**

15. CONSIDER APPROVAL OF **ORDINANCE # 1128-2016** AMENDING THE 2016-2017 GENERAL FUND BUDGET BY EXPANDING IT TO ALLOW FOR THE EXPENDITURE OF FIRE DEPARTMENT DOLLAR DONATION FUNDS

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1128-2016 amending the 2016-2017 general fund budget for the expenditure of Fire Department dollar donation funds in the amount of \$998.75.**

Mayor Pro Tem Ashton commented that this is for software for the Fire Marshall.

**All voted "Aye."**

16. CONSIDER APPROVAL OF **ORDINANCE #1129-2016** AMENDING THE 2016-2017 GENERAL FUND BUDGET BY EXPANDING IT TO ALLOW FOR THE EXPENDITURE OF LIBRARY DOLLAR DONATION FUNDS

No discussion occurred.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1129-2016 amending the 2016-2017 general fund budget by expanding it allow for the expenditure of Library dollar donation funds to increase the audio visual supplies budget which purchases DVDs, tapes and CDs. All voted "Aye."**

17. CONSIDER APPROVAL OF **ORDINANCE # 1130-2016** AMENDING THE 2016-2017 GENERAL FUND BUDGET BY EXPANDING IT TO ALLOW FOR THE EXPENDITURE OF FIRE DEPARTMENT DOLLAR DONATION FUNDS

**CM Ashton moved, seconded by CM Scott, to approve Ordinance #1130-2016 amending the 2016-2017 general fund budget by expanding it to allow the expenditure of Fire Department dollar donation funds up to the amount of \$1,500. All voted "Aye."**

**STAFF REPORTS:**

**18. STAFF REPORT ON SUBSTANDARD PROPERTIES**

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

- 5008 SHERWOOD –
- 603 HARRISDALE – The order to demolish or repair expires for lienholder on November 27, 2016. No work has been done and no permits issued. Mayor Earwood and Council Members would like future substandard orders amended to disconnect the utilities when an order is given.
- 4900 ALMENA RD. –
- 4829 KESSLER – An electrical rough in has been inspected for a complete rewire and they are actively working. The order to repair expires November 15, 2016.
- 5905 BLACK OAK – Under district court order.
- 5909 BLACK OAK – Under district court order.
- 1202 BANKS
- 619 HARRISDALE
- 5411 PURDUE –
- 606 WORTHVIEW
- 901 CHURCHILL –
- 5116 RIVER OAKS BLVD
- 5513 AMHERST
- 1123 YALE
- 1505 GREENBRIER – An inspection was performed today. The 60-day order expires in December.
- 334 FRONTIER –
- 5600 TAYLOR –

**No action was taken.**

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

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

**23. 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.

**24. 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.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

**29. 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.

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

No discussion occurred.

**PUBLIC FORUM:**

31. 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**

This was a duplicate item and was initiated under agenda item #32.

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**

**Nick Panzera**, 2526 Columbus Avenue, clarified that the church attorneys are in the process of reviewing the lease from the owner and that the November 1, 2016 date given by El Rancho representatives is optimistic. Mr. Panzera stated that a six figure amount has been budgeted for the project. He presented a proposal which adds some walls, two ADA compliant bathrooms, and updating the fire system. Mr. Panzera stated that the church would have Monday and Wednesday services, Bible studies on Monday and Tuesday nights, with an estimate attendance of 500-600 attendees including children on Sundays. Mr. Panzera stated that the property would not be used as residential. CM Scott expressed concern with exits.

**Mayor Earwood** introduced Detective Lieutenant Chuck Stewart.

**Mayor Earwood** stated that CM Holland is out of town on behalf of his children.



**CM Scott** announced an event on November 19, 2016 from 5:00 p.m. – 9:00 p.m. at the Community Center which supports the national society with which the Holland Family is involved.

**EXECUTIVE SESSION:**

33. 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:**

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

**ADJOURN:**


35. ADJOURN

**At 8:15 p.m. Mayor Pro Tem Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

**ATTEST:**

  
\_\_\_\_\_  
Marvin Gregory, City Secretary

  
\_\_\_\_\_  
Herman Earwood, Mayor