

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 27, 2017**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
ASST CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHRIS SPIELDENNER  
CITY ATTORNEY BETSY ELAM  
EMERGENCY MGT JAMES MYRICK  
EDC COORINATOR PATRICIA WARD  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECOTR SHIRLEY BLOOMFIELD  
BUILDING INSPECTOR STEVE SANDERS  
FIRE CHIEF RUSSELL SHELLEY

**ABSENT:**

CM STEVE HOLLAND-EXCUSED (FAMILY ILLNESS)

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, June 27, 2017 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:

**NONE**

5. STATEMENT OF ELECTED/APPOINTED OFFICIALS, "OATH OF OFFICE" AND CERTIFICATE OF ELECTION FOR DAN CHISHOLM, CITY COUNCIL PLACE 5.

CS Gregory gave the Oath of Office & Certificate of Election to Dan Chisholm while Sharon Chisholm held the Bible and while Dan's family stood with him. Mayor Earwood gave a framed certification to Dan Chisholm.

CM Gordon stepped down and CM Chisholm seated as Council Place 5.

AT 7:06 PM, Mayor Earwood called for a brief break.

AT 7:23 PM, Mayor Earwood went into Regular Session.

AT 7:13 PM, Mayor Earwood went into Executive Session pursuant to Section 551.074 Personnel Matters.

AT 7:46 PM, Mayor Earwood went back into Regular Session.

**ACTION FROM EXECUTIVE SESSION: Mayor Pro Tem Ashton moved, seconded by CM Scott to uphold the Staff and Mayor's recommendation of the termination. The other item (trespassing) will be revisited in 90 days. All voted "Aye".**

6. **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 JUNE 13, 2017 REGULAR COUNCIL MEETING
- B. MINUTES OF JUNE 20, 2017 SPECIAL CALLED MEETING
- C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING JUNE 27, 2017 (FY 2017)
- D. APPROVE RESIGNATION OF VERONICA CLARK, LIBRARY DIRECTOR EFFECTIVE AUGUST 4<sup>TH</sup>
- E. APPROVE RECOMMENDATION FROM LIBRARY DIRECTOR TO HIRE JENNIFER NEATHERY FOR LIBRARY CLERK

**CM Butler moved, seconded by Mayor Pro Tem Ashton to approve the Consent Agenda. All voted "Aye".**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**NONE**

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

8. ELECTION OF MAYOR PRO-TEMPORE FOR THE 2017-2018 TERM YEAR

The Mayor Pro Tem will fill in as the Mayor if something happens to him and will full-fill the remainder of the Mayors term.

**CM Scott moved, seconded by CM Chisholm to elect Joe Ashton as Mayor Pro Tem for the 2017-2018 Term Year. All voted "Aye".**

9. CONSIDER REQUEST FROM CASTLEBERRY INDEPENDENT SCHOOL DISTRICT TO WAIVE PERMITTING REQUIREMENTS AND PERMITTING FEES TO ERECT TWO 150-FOOT TALL LTE TOWERS WITHIN THE CITY OF RIVER OAKS.

CISD Superintendent John Ramos was present. Mr. Ramos thanked the council for their help on the portable buildings. The partnership with the school and city are strong. Mr. Ramos presented a slide show (attached). The LTE towers will serve 2,000-3,000 people per tower. 150 foot towers give the best range. This will only be available to students and only if citizens have access. Students are loaned out a tablet to take home so they can do their homework. But some students do not have internet access therefore are unable to do their homework. These towers will allow those students to do their homework. Phase 1 is at the Castleberry Elementary Multipurpose Building (River Oaks), Phase 2 is at the Joy James Elementary campus (Sansom Park), and Phase 3 is at the Technology Building (River Oaks). CM Scott would like to see numbers and plans before making a decision. CS Gregory stated the Special Use permit fee is \$700.00. CM Chisholm would like the Police & Fire Chief's to contact Renee at CISD to see how the city can benefit from these towers.

10. CONSIDER APPROVAL OF ORDINANCE #1154-2017 AMENDING THE FY 2016-2017 BUDGET FOR EMERGENCY REPAIRS TO UNIT G-8 GARBAGE TRUCK IN SANITATION DEPARTMENT.

PWD Smith stated the packer blade on G-8 was not working properly. The blade had detached. The cost for repair is \$21,649.30 for parts and labor which exceeds the FY 2016-2017 budget. CM Chisholm is concerned that maybe this truck is not designed for brush and bulky items. And maybe we need to look at another type of equipment to handle the brush and bulky items.

**CM Scott moved, seconded by CM Butler to approve Ordinance #1154-2017. All voted "Aye".**

11. DISCUSSION AND/OR ACTION ON AMENDING SEC. 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" OF THE RIVER OAKS CODE OF ORDINANCES.

Mayor Pro Tem Ashton asked for this to be put on the agenda. This has been mentioned a few times in the past. A letter is being sent out once the staff finds out about a deceased person. Recently a resident passed away and an email was sent out to the staff and others. No address was given, only the name. A deceased letter was sent out by our utility department. Feels this is not a customer friendly way of handling this. Feels if they come to the counter and notify us of about a deceased person, then we can proceed with the proper handling. Mayor Pro Tem Ashton contacted 5 cities and they do not send out letters.

CM Chisholm feels if the spouse passes away, the spouse should not have to get a Certificate of Occupancy. Utility accounts need to have both spouses on the account because it also helps the Police Department out.

**Mayor Pro Tem Ashton moved, seconded by CM Scott to not amend Section 13.02.044 and approve a 90-day moratorium to not to send out a deceased letter when an account holder passes away and in the meantime City Council will review the water policy to consider any amendments. CM Scott, CM Butler, and Mayor Pro Tem Ashton voted "Aye"; CM Chisholm voted "Nay". Motion passed.**

12. CONSIDER APPROVAL OF PAYROLL DEDUCTION FOR FIREARM PURCHASE BY POLICE OFFICERS.

PC Spieldenner stated this deduction have been done on several occasions. CM Chisholm requested in the future have the payroll deductions within the same fiscal year for auditing purposes.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the payroll deduction of firearms. All voted "Aye".**

13. DISCUSSION AND/OR ACTION ON FY 2018 BUDGET & TAX SCHEDULE.

CS Gregory stated the tax dates cannot be changed. The other dates are flexible.

**NO ACTION TAKEN.**

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

14. CONSIDER APPROVAL OF ORDINANCE #1155-2017 AMENDING THE 2016-2017 GENERAL FUND BUDGET FOR EXPENDING PARK DOLLAR DONATIONS FOR ELECTRICAL WORK AT MCGEE PARK BASEBALL FIELDS.

PWD Smith presented this to the Park Board. There was additional electrical work done on the score boards which totaled \$5,662.70.

**CM Butler moved, seconded by CM Scott to approve Ordinance #1155-2017. All voted "Aye".**

15. CONSIDER APPROVAL OF RESOLUTION #901-2017 APPROVING SALE OF REAL ESTATE PROPERTY ACQUIRED AT A TAX SALE HELD ON OCTOBER 6, 2015 AND DESCRIBED AS BEING LOT 1, BLOCK 12 OF THE CASTLEBERRY GARDENS ADDITION.

CS Gregory stated the address for this property is 1504 Yale Street. This has been a vacant lot for years. It was struck off to the city in 2015. Two bids were received with \$10,000 being the highest bid. The city will receive \$2,559.29 in reimbursement for maintenance cost plus \$1,998.84 in tax penalties and interest. This will not have to go before the School District or the County for approval. The new owner is planning on building a new house on the lot. Mayor Earwood would like signs out on properties going on the court house steps in the future.

**Mayor Pro Tem Ashton moved, seconded by CM Scott to accept the \$10,000 bid with the city portion of \$2,559.29 and \$1,998.84. All voted "Aye".**

16. CONSIDER APPROVAL OF RESOLUTION #902-2017 APPROVING SALE OF REAL ESTATE PROPERTY ACQUIRED AT A TAX SALE HELD ON OCTOBER 6, 2009 AND DESCRIBED AS BEING LOT 19, BLOCK 4 OF THE OXFORD HILLS ADDITION.

CS Gregory stated the address for this property is 1114 Oxford. A bid was received in the amount of \$15,000. The city will receive \$3,414.39 in tax penalties and interest.

**CM Chisholm moved, seconded by Mayor Pro Tem Ashton to accept the \$15,000 bid with the city portion of \$3,414.39. All voted "Aye".**

17. CONSIDER APPROVAL OF RESOLUTION #903-2017 FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE REIMBURSED BY THE COMPANY.

CS Gregory stated the Steering Committee is recommending us to deny this change.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to deny Resolution #903-2017. All voted "Aye".**

**STAFF REPORTS:**

18. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 4900 ALMENA RD.-in juveniles name; contacted City Attorney
- 1202 BANKS-on going
- 619 HARRISDALE-on going
- 5411 PURDUE
- 606 WORTHVIEW
- 5513 AMHERST-permit expires Sept 2017
- 310 WINTERS-under Building Officials order
- 1101 OXFORD-no change
- 1617 HILLSIDE-bring back to Public Hearing
- 1213 CAMBRIDGE-burnout; no contact and no permits; Public Hearing in July 2017
- 4605 BYRD DR.-owner plans on rehab
- 617 OAKLAWN DR.-under Building Officials order; has sold
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**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

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

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

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

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

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

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

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

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

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

28. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT

29. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

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

**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**

Council Member Ashton mentioned the next EDC meeting will be July 10<sup>th</sup>. There are 7 members on the EDC board in which 4 are Council Members. He would like it lowered from 4 Council Members to 3 Council Members.

EMC Coordinator James Myrick gave an update on the mosquitos. There have been two positive mosquito traps for West Nile Virus. The main problem he sees is tires in yards that collect water and within 72 hours the larva starts flying. The cost to have tires removed is \$3.00 per tire. A one-time fogging is about \$800.00. Would like to see the city picking up tires where we find problems. Normally the resident puts the tires on the curb. But the elderly has problems getting them to the curb and the city cannot take the tires out of their yard. City Attorney Betsy Elam said as long as the city has written permission to pull tires out of their yard, then it will not be a problem.

**The City Council blessed EMC Myrick to remove tires on lots as long as he has written permission.**

EDC Coordinator Patricia Ward mentioned there are for sale commercial properties posted on the city's website. She appreciates any feedback.

PC Spieldenner appreciates all the departments working together in the weekly staff meetings. Today a Code Officer was concerned about a child in an unhealthy house. The Police got involved and filed a CPS report.

Mayor Pro Tem Ashton appreciates the work the Police do especially for the kids in regards to sexual assault cases. Mayor Pro Tem Ashton also mentioned his grandfather, John Tenery, years ago started working for a very young detective, CM Dan Chisholm. Mayor Pro Tem Ashton said it is an honor to be sitting next to CM Chisholm on the Council Bench.

CM Chisholm thanked former CM Gordon for her service all these years. CM Chisholm also thanked the citizens regardless of their vote.

Mayor Earwood thanked the citizens and the staff.

**EXECUTIVE SESSION:**

32. 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 Termination of Employment; L.C. Route.**
- d. Section 551.076 Deliberation regarding security devices.

**See above after Item #5.**

**RECONVENE:**

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

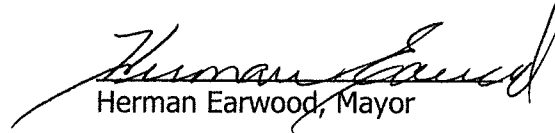
**See above after Item #5.**

**ADJOURN:**

34. ADJOURN

**At 9:36 p.m. Mayor Pro Tem Ashton moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**



Marvin Gregory, City Secretary