

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 25, 2017**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF AVIN CARTER
CITY ATTORNEY BETSY ELAM
EMERGENCY MGT JAMES MYRICK
EDC COORINATOR PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS

ABSENT:

NONE

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, April 25, 2017 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:

- MOTORCYCLE SAFETY AND AWARENESS MONTH---The City Council collectively thanked the motorcyclists present representing Los Vaga Bundos for everything they do in urging communities to be aware of motorcyclists traveling the highways. The proclamation declaring May as Motorcycle Safety and Awareness Month in the City of River Oaks was then presented to the group and pictures were taken.

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 APRIL 11, 2017 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING APRIL 25, 2017 (FY 2017)

C. APPROVE EDC 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2017)

- D. APPROVE CCPD 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2017)
- E. APPROVE STORM WATER FUND 2ND QUARTER FINANCIAL REPORT (JAN 1-MARCH 31, 2017)
- F. APPROVE 2ND QUARTER INVESTMENT REPORT

CM Butler moved, seconded by CM Scott to approve the Consent Agenda, Items A - F. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

At this time the Mayor announced that Executive Session (See Agenda Item # 29) was being moved up on the agenda.

29. EXECUTIVE SESSION: At 7:09 P.M. the Mayor Convened the City Council into 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 compliant or charge against an Officer or Employee.

Administrative Secretary

- d. Section 551.076 Deliberation regarding security devices.

30. RECONVENE: CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION. The City Council reconvened from Executive Session back into Regular Session at 7:38 P.M. and no action was taken.

The City Council returned back to the Agenda with # 7.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF DEVELOPMENT INCENTIVES AGREEMENT FOR PROPERTY BETWEEN SOROUR PARTOVI d/b/a RIVER OAKS PARK LLC AND CITY OF RIVER OAKS IN ORDER TO BUILD 5 NEW TOWNHOMES IN PARK ADDITION.

Sonny Partovi was present representing River Oaks Park LLC requesting the City waive permit fees on their proposal to build 5 new townhomes. City Attorney advised that if the city is willing to invest funds into the development it should be done with a 380 Agreement. This type of funding is not permitted under the Act by the Economic Development Corporation since this property will be used for residential occupancy.

Partovi was asked was the City hard to work with in achieving development? Mr. Partovi stated that the City has since 2005 always been responsive to his needs. Mayor stated the City as rule generally is usually willing to consider investing funds when there is a 5-year or less payback to the City.

CM Holland questioned what would be the incentive in this case, since he was intending to build the remaining 5 townhomes anyway. Mr. Partovi stated he was under the understanding the city would be receptive to investing funds and so he had already built the cost savings into the cost of development. CM Holland stated the real purpose for investing funds into development is to encourage a developer to commit to building; not after the fact when the developer has already committed.

CS Gregory provided a draft 380 Agreement and Feasibility Study that provided conclusive evidence that the development would generate approximately \$5,116 dollars in additional ad-valorem taxes in a year and the city would recoup their investment of \$9,370.89 in waived permit fees within 2-years.

CM Gordon moved, seconded by CM Butler to approve the 380 Agreement between the City and River Oaks Park LLC to waive \$9,370.89 in permits to build 5 new townhomes in the Park Addition. All voted "Aye".

8. CONSIDER APPROVAL OF REQUEST BY CHRISTINA BROWN TO HOLD DANCE CLASSES AGAIN AT THE COMMUNITY CENTER

Christina Brown brought a video of the program, however due to technical problems, the video wouldn't work right and so she outlined the program to the Council regarding what the program consisted of and its accomplishments and followed up by requesting that the City enter into an Instructors Agreement to coordinate the program activities at the community center on a 80/20 percentage; with 20% of the registration fees going to the City.

CM Ashton moved, seconded by CM Gordon to approve the Instructors Agreement with Christina Brown to hold dance lessons at the community center. All voted "Aye".

9. CONSIDER APPROVAL OF RESOLUTION #895-2017 FOR SPECIAL EVENT PERMITTING ONE FAITH CHURCH AT 1200 ROBERTS CUT OFF RD. TO HOLD AN OUTDOOR CHURCH FESTIVAL ON MAY 5TH.

CM Scott moved, seconded by CM Gordon to approve Resolution # 895-2017 for special event permitting for One Faith Church at 1200 Roberts Cut Off Rd. on May 5, 2017 from 6:30 to 9:30 P.M. All voted "AYE".

10. DISCUSSION AND/OR ACTION ON AMENDING THE SUBSTANDARD BUILDING ORDER AT 1202 BANKS.

BI Sanders reported that no inspections have been performed and the Board Order has since expired without the structure being in compliance. BI Sanders recommended that the Board

pursue procedures to access civil penalties for them maintaining a substandard structure in violation of the River Oaks Code.

CM Ashton moved, seconded by CM Gordon directing City Staff to proceed with the procedures to hold the Administrative Hearing to consider assessment of civil penalties on the substandard property at 1202 Banks. All voted "AYE".

11. PRESENTATION BY EMC COORDINATOR, JAMES MYRICK, ON MOSQUITO SURVEILLANCE.

James Myrick reported what is going on in the world of mosquitoes with the Ezeka Virus and also West Nile Virus (WNV). He reported so far this year, River Oaks does not have a positive sample for either Ezeka or WNV.

No Further Action was taken.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

12. CONSIDER APPROVAL OF RESOLUTION #893-2017 AUTHORIZES OPENING A SEPARATE CONSTRUCTION EXPENSE CHECKING ACCOUNT FOR SEWER COLLECTION SYSTEM IMPROVEMENTS (CWSRF-73749, LOAN #L1000575) AND PROVIDING AN EFFECTIVE DATE.

CS Gregory stated that it is required to adopt a Resolution authorizing a separate banking account at Bank of Texas for construction expenses in order for the city to pay bills during construction under both loans. Loans.

CM Gordon moved, seconded by CM Butler to approve Resolution # 893-2017 authorizing a separate construction expense checking account for sewer collection system improvements. All voted "AYE".

13. CONSIDER APPROVAL OF RESOLUTION #894-2017 AUTHORIZES OPENING A SEPARATE CONSTRUCTION EXPENSE CHECKING ACCOUNT FOR WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS (DWSRF-62731, LOAN #L1000574) AND PROVIDING AN EFFECTIVE DATE.

CM Gordon moved, seconded by CM Butler to approve Resolution # 894-2017 authorizing a separate construction expense checking account for water system improvements. All voted "AYE".

OTHER ITEMS REQUIRING POSSIBLE COUNCIL ACTION:

14. DISCUSSION AND/OR ACTION ON EXPENDING COURT SECURITY FUNDS TO BUILDING A 30-FOOT ADDITION TO THE POLICE DEPARTMENT AND CONNECTING THE POLICE DEPARTMENT TO THE MUNICIPAL COURT.

The Mayor described the need for an additional storage room for Police Records that could be built between the Police Department and City Hall. The project would also include connecting the police department to Municipal Court in City Hall through a hallway that would provide for added security for police personnel to be able to access the court without having to go outside and come around through the city hall as is the case currently. Quotes were taken and the low

bid came in at \$39,989.00 not including the cost of providing air conditioning or heating to the addition.

CS Gregory reported that there was \$45,505 available in court security that could be used to fund this project.

CM Ashton moved, seconded by CM Gordon approved the expenditure from Court Security but first City Staff needs to have the total cost including air conditioning and heating incorporated and bring an ordinance back for Council consideration with a total cost. All voted "AYE".

STAFF REPORTS:

15. UPDATE ON SUBSTANDARD PROPERTIES AT:

BI Sanders reported on each substandard property as follows:

- 4900 ALMENA RD.----still being handled through District Court.
- 1202 BANKS----scheduling an Administrative Hearing to assess civil penalties
- 619 HARRISDALE---permit expired. Scheduling Public Hearing.
- 5411 PURDUE-----ordering owner to move accessory building.
- 606 WORTHVIEW---permits expired. Scheduling Public Hearing.
- 5513 AMHERST-----permits expired.
- 1505 GREENBRIER---permits expired. There has been progress made.
- 1101 OXFORD-----Owner must submit Plan of Action.
- 1617 HILLSIDE-----Have not sent notification.
- 4817 LANGLEY-----Have not sent notification.
- 1213 CAMBRIDGE---Fire damage. Waiting on Insurance investigation.
- 4605 BYRD DR.-----Fire Damage. Waiting on insurance investigation.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

16. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, REPSONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED. **Briefed council on recent homicide investigation and arrests. The Council complimented the department for their commitment to making the arrests as soon as they did.**

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

NONE

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

NONE

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

NONE

20. **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

NONE

21. **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

NONE

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

NONE.

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

NONE.

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

Mayor stated that sales tax was up \$2,000 from this same month last year.

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

NONE

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

NONE

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

NONE

PUBLIC FORUM:

28. 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**

- CM Butler announced the CCDAC annual banquet would be at the high school cafeteria.
- CM Scott inquired if we had any data from FWTA on bus riders. CS Gregory stated not yet except that only 1 person has been certified for MITZ.
- CM Ashton announced the passing of Fabian's Grandmother and of the upcoming retirement party for Jim and Linda Ryan on June 7th in White Settlement.
- Car show is Saturday at the Community Center from 11:00 A.M. until 3:00 P.M.

EXECUTIVE SESSION:

29. 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 compliant or charge against an Officer or Employee.

Administrative Secretary

- d. Section 551.076 Deliberation regarding security devices.

HELD EARLIER FOLLOWING AGENDA ITEM #6

RECONVENE:

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

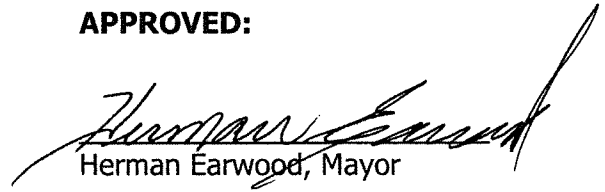
NONE.

ADJOURN:

31. ADJOURN

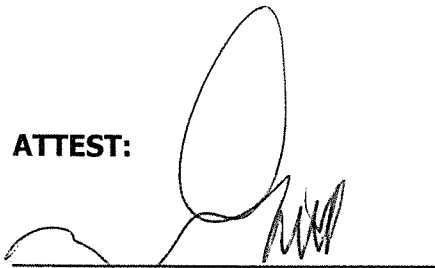
**At 8:43 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting.
All voted "Aye". ADJOURNMENT AT 8:43 P.M.**

APPROVED:



Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary