

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 10, 2014**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOANN GORDON  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND (AT 8:23 P.M.)  
COUNCIL MEMBER JOE CREWS  
COUNCIL MEMBER JOE ASHTON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
CODE ENFORCEMENT OFFICER JOHN PAUL JONES  
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, June 10, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Crews delivered the Invocation.

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

CM Crews 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 MAY 27, 2014 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING JUNE 10, 2014

**CM Butler moved, seconded by CM Crews, to approve consent agenda items A, and B. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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. APPROVAL OF REQUEST FROM SARAH J. BENNETT TO WAIVE REQUIREMENTS ASSOCIATED WITH THE WATER ACCOUNT AT 1412 WESTWICK PURSUANT TO SECTION 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" OF THE RIVER OAKS CODE

CS Gregory explained that Ms. Bennett presented a ~~quick-claim~~ quitclaim deed dated 1971, making her the owner of the property. CS Gregory stated that the certificate of occupancy would not be required since the ownership change was prior to the adoption of that ordinance. CS Gregory stated that the utility policy would require her to update the deposit and open her own account.

**CM Butler moved, seconded by CM Ashton, to put the water account in the Ms. Bennet's name at no cost. All voted "Aye"**

CM Crews recommended that the ordinances be reviewed to be more resident friendly.

An unidentified female suggested that the residents should be notified of changes. Mayor Earwood stated that the ordinances are published in the newspaper.

8. DISCUSSION AND/OR ACTION REGARDING APPROVAL OF PLANNED SUMMER PROGRAMS AT THE RIVER OAKS UNITED METHODIST CHURCH

CS Gregory stated that the requested activities are outside the scope of special events and a resolution has not been drafted.

Cynthia Barclay, parent's day out director, requested approval for splash days and other outside events.

It was decided that the proposed activities did not require City Council approval.

**No action was taken.**

9. DISCUSSION AND/OR ACTION REGARDING THE AGREEMENT APPROVAL TO PARTNER WITH TARRANT AREA FOOD BANK REGARDING THE SENIOR SHARE PROGRAM

CS Gregory stated that the agreement meets the qualifications and has been approved by the city attorney with any requested changes noted on the draft presented to Council Members. It was pointed out that staff work hours may have to be changed since the Community Center is closed on Thursday. Mayor Earwood suggested that the meals be received on Thursdays and distributed on Fridays.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve the agreement to partner with Tarrant Area Food Bank regarding the Senior Share Program. All voted "Aye."**

10. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR EXPENSES INCURRED FOR THE UPCOMING ALL AMERICAN FESTIVAL

CS Gregory presented the request to purchase a spot light, a generator, and prizes and to pay the entertainer for the All American Festival from the dollar donation fund. If approved, CS Gregory will place the ordinance to amend the budget on the next city council agenda.

**CM Ashton moved, seconded by CM Butler, to approve the request to expend funds from the Community Center dollar donation fund for expenses incurred for the upcoming All American Festival up to \$2,000. All voted "Aye."**

11. CONSIDER APPROVAL TO HOLD THE RIVER OAKS COMMUNITY CENTER HEALTH FAIR IN AUGUST

CS Gregory presented the request to initiate a community health fair in August at the Community Center.

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to hold a River Oaks Community Health Fair at the Community Center in August 2014. All voted "Aye."**

12. CONSIDER APPROVAL OF EQUIPMENT/LABOR CHARGES AND WORK ORDERS FOR CODE ABATEMENT

CEO Jones presented a revised fee schedule for labor and equipment charges related to code abatement.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve equipment and labor charges and work orders for code abatement.**

CS Gregory noted that the request includes the ability of staff to perform updates without City Council approval.

**All voted "Aye."**

13. CONSIDER APPROVAL OF MUTUAL AID AGREEMENT BY AND AMONG THE NORTH CENTRAL TEXAS PARTICIPATING LOCAL GOVERNMENTS WHEREBY PUBLIC WORKS MAY REQUEST AID AND ASSISTANCE FROM THE OTHER PARTICIPATING AGENCIES

EMC Myrick requested participation in the mutual aid agreement which should prove beneficial particularly in the event of a disaster. The program is no cost to the city other than when a request for the use of equipment and man hours is made from another participating city.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve the mutual aid agreement by and among the North Central Texas participating local governments whereby public works may request aid and assistance. All voted "Aye."**

14. CONSIDER APPROVAL TO EXPEND FUNDS FROM COURT TECHNOLOGY TO PURCHASE A COURT FAX MACHINE

Mayor Earwood requested ratification for the purchase of a fax machine that was necessary for the court department.

**CM Ashton moved, seconded by Mayor Pro Tem Gordon, to approve to expend funds from court technology to purchase a fax machine in the amount of \$124.73. All voted "Aye."**

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

15. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON AMENDING THE AUGUST 27, 2013 SUBSTANDARD BUILDING ORDER AS AMENDED REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 933 CARONDOLET

At 7:36 p.m. Mayor Earwood opened the public hearing.

COE Jones stated that the city council order from August 27, 2013 expired March 14, 2014 with civil penalties accruing daily. Jones testified that the property remains in substandard condition with no utilities and no plumbing fixtures. Jones stated that the substandard fee has been paid.

Jeff McKinney, property owner, requested additional time to complete the repairs due to a lack of funds. Mr. McKinney stated that he should receive a tax check this month that would allow him to complete the repairs.

It was suggested to the owner that the property be sold "as is." Mayor Earwood stated that the civil penalties of approximately \$1,500 must be paid prior to the approval of a certificate of occupancy.

James Myrick stated that he would not trust Mr. McKinney to comply with the order if additional time is given.

At 7:53 p.m. Mayor Earwood closed the public hearing.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL AMENDED ORDERS ON THE PROPERTY AT 933 CARONDOLET THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

CM Ashton mentioned that the City could repair the property and lien the property to recover the cost.

Mr. McKinney stated that he could complete the repairs and pay the civil penalties by July 1, 2014.

**CM Crews made the following motion "I move that the City Council find that the building located at 933 Carondolet based on evidence at this hearing is still substandard and: 1) that the conditions set forth in the Building Official's Report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the structure(s) is/are feasible of repair and therefore amend the August 27, 2013 order as follows: 3) THE BOARD ORDERS that the structure be boarded up to prevent**

unauthorized entry unless the Owner can provide proof by 5:00 P.M. on June 11, 2014 verifying the structure will be brought into full compliance within 21 days; and 4) All applicable fees including civil penalties and substandard fees shall be paid in full. Certificate of Occupancy will not be finalized until all substandard fees and civil penalties assessed against the property are paid in full; and 5) Failure to comply with this amended order shall result in citations being issued each and every day until the structure is brought into full compliance with Sec. 3.07.004 of the River Oaks Code. Motion seconded by Mayor Pro Tem Gordon. CM Butler, CM Crews and Mayor Pro Tem Gordon voted "Aye." CM Ashton voted "Nay." Motion passed.

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

17. CONSIDER APPROVAL OF ORDINANCE # 1027-2014 AMENDING SECTION 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" OF THE RIVER OAKS CODE OF ORDINANCES PERMITTING THE ADMINISTRATOR OF AN ESTATE TO CHANGE THE NAME ON THE UTILITY ACCOUNT WITHIN A REASONABLE TIME LIMIT

**CM Crew moved, seconded by CM Ashton, to approve Ordinance #1027-2014. All voted "Aye."**

18. CONSIDER APPROVAL OF RESOLUTION # 800-2014 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING PAYMENT OF FIVE CENTS PER CAPITA TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY

**Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #800-2014. All voted "Aye."**

**PUBLIC FORUM:**

19. 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:**

20. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.
- Section 551.076 Deliberation regarding security devices

At 8:13 p.m. Mayor Earwood convened into executive session under 551.074.

**RECONVENE:**

At 9:06 p.m. Mayor Earwood reconvened into regular session.

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken.**


**ADJOURN:**

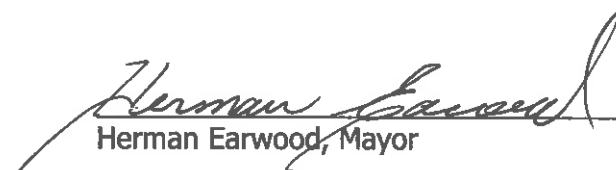
22. ADJOURN

**At 9:06 p.m. CM Ashton moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

**ATTEST:**

  
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Marvin Gregory, City Secretary

  
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Herman Earwood, Mayor