

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 14, 2016**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
CODE ENFORCEMENT OFFICER JUSTIN WOODALL
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD
ATTORNEY DEAN ROGGIA 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, June 14, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

An Invocation was delivered.

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

The Pledges of Allegiance to the United States and the Texas Flags were recited.

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 24, 2016 REGULAR COUNCIL MEETING
- B. MINUTES OF THE JUNE 8, 2016 PUBLIC MEETING REGARDING THE HWY 183 CORRIDOR MASTER PLAN.
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING JUNE 14, 2016 (FY 2016)

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

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF RESOLUTION # 861-2016 FOR SPECIAL EVENT PERMITTING IN ORDER FOR O'REILLY AUTO PARTS TO HOLD A CUSTOMER APPRECIATION DAY OUTSIDE EVENT ON THE PROPERTY AT 1220 LONG AVE.

A representative was not present.

CS Gregory stated that the request did not include a date for the event.

Mayor Earwood stated that this agenda item would be postponed to allow time for the requestor to arrive.

This agenda item was discussed after agenda item #17.

8. CONSIDER APPROVAL OF RESOLUTION # 862-2016 FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A FUNDRAISER ON THE PROPERTY AT 5437 RIVER OAKS BLVD. AS REQUESTED BY VENUS SANCHEZ

Venus Sanchez, owner of Sanchez Taekwondo, requested to host a fundraiser at 5437 River Oaks Boulevard in the form a multifamily garage sale for the children who qualify for Nationals in Florida on June 18-19 & June 25-26.

CM Butler moved, seconded by CM Scott, to approve Resolution #862-2016 to authorizing a fundraiser at 5437 River Oaks Boulevard on June 18-19, 2016 and June 25-26, 2016 between the hours of 8-2. All voted "Aye."

9. DISCUSSION AND/OR ACTION REGARDING THE MAY 17, 2016 ORDER OF THE BUILDING BOARD OF APPEALS ON THE SUBSTANDARD PROPERTY AT 4829 KESSLER RD. BY AMENDING SAID ORDER TO REPAIR AT THE REQUEST OF JOSHUA STRONG OF WINDOWROCK CAPITAL PARTNERS LLC.

A representative was present and requested to obtain permits and bring the property into compliance within 60-days according a plan of action. Staff reported the planned demo date as June 27, 2016. The representative confirmed that WindowRock received the order as the record owner. Staff verified that the order dated February 23, 2016 was sent to WindowRock. Sanders reported that the City is maintaining the property and filing liens for mowing and clean up. CM Gordon mentioned that the property was determined infeasible of repair and that the life, health and safety of any occupants and the public are in danger.

CM Gordon moved, seconded by CM Scott, to keep the order in place to demo the substandard structure at 4829 Kessler Road. All voted "Aye."

10. CONSIDER AMENDING THE MARCH 26, 2013 ORDER OF THE BUILDING BOARD OF APPEALS IN ORDER TO REPAIR THE SUBSTANDARD STRUCTURES LOCATED ON THE PROPERTY AT 604 FRONTIER AS REQUESTED BY THE NEW OWNER

Keith Kidwill, 8335 Eagle Mountain Circle, was present as the property owner to request 60-90 days to bring the property into compliance.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to amend the March 26, 2013 order of the building board of appeals to allow the new owner 90-days to bring 604 Frontier into full compliance as recommended by staff. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON LEASE EXTENSION OPTIONS AS PRESENTED BY JEREMY HUMM OF AMERICAN TOWER CORP FOR THE VERIZON TOWER LOCATED ON CITY PROPERTY CURRENTLY UNDER LEASE WITH THE CITY

CS Gregory stated that another proposal has been received which he encouraged the requestor to be present to explain. CS Gregory reported no success in finding a consultant on this topic.

Mayor Earwood deferred this topic to the finance committee at this time.

CM Holland requested staff consult with the city attorney's office to find a consultant and then meet with the finance committee.

No action was taken.

12. CONSIDER APPROVAL OF EMERGENCY PIPE-BURSTING OF THOMAS LANE (PHASE 2) WITH NO-DIG TEC, LLC.

CS Gregory explained that the entire sewer line was rotten and had to be replaced to Taylor Road. CS Gregory requested a budget amendment to transfer the funds from water to sewer.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve the emergency pipe-bursting of Thomas Lane Phase 2 with No-Dig Tec, LLC and to approve Ordinance #1113-2016 amending the 2015-2016 fiscal year budget transferring funds from account 02-540-5430 water system improvements to account 02-541-5431 sewer system improvements in the water fund under Council approved projects. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF ORDINANCE # 1110-2016 AMENDING CHAPTER 1 "GENERAL PROVISIONS" OF THE RIVER OAKS CODE OF ORDINANCES (2006) BY AMENDING ARTICLE 1.07 "LIBRARY"

LD Veronica Clark requested approval of an updated policy which is user friendly for both staff and citizens. LD Clark explained that the policy allows for more than one card per household with appropriate limits set according to age. LD Clark explained that volunteer hours can be accepted for late fees which are frequently used by teens.

CM Scott moved, seconded by CM Gordon, to approve Ordinance #1110-2016 amending Chapter 1 General Provisions of the River Oaks Code of Ordinances 2006 by amending Article 1.07 Library. All voted "Aye."

14. CONSIDER APPROVAL OF RESOLUTION # 863-2016 REPEALING THE FORMER RESOLUTIONS # 632-08 ADOPTED ON JULY 14, 2009 AND RESOLUTION # 718-2011 ADOPTED ON NOVEMBER 22, 2011 THEREBY UPDATING POLICIES FOR THE LIBRARY

No discussion occurred.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Resolution #863-2016. All voted "Aye."

LD Clark responded to an inquiry stating that the Library Board has resumed meeting.

LD Clark responded to an inquiry stating that although a challenge has not been received, best practice is to have a policy in place.

15. CONSIDER APPROVAL OF ORDINANCE # 1111-2016 DESIGNATING ROSENBERG'S RULES OF ORDER AS THE RULES OF PROCEDURE AND ORDER FOR THE CITY COUNCIL AND BOARDS AND COMMISSION OF THE CITY AND REVISING THE CODE OF ORDINANCES

CS Gregory suggested adopting Rosenberg's Rules of Order in place of Robert's Rules of Order.

Attorney Dean Roggia explained that Robert's Rules of Order is designed for major parliamentary bodies whereas Rosenberg's Rules of Order follows common practice.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve Ordinance #1111-2016 designating Rosenberg's Rules of Order as the rules of procedure and order the City Council and Boards and Commissions of the City and revising the Code of Ordinances. All voted "Aye."

16. CONSIDER APPROVAL OF ORDINANCE # 1112-2016 AMENDING THE 2015-2016 FY BUDGET AUTHORIZING EXPENDITURE FROM THE FIRE DEPARTMENT DOLLAR DONATION FUND FOR THE PURCHASE OF EMERGENCY MEDICAL EQUIPMENT

CS Gregory explained that this ordinance ratifies action taken at the previous meeting to use the dollar donation fund to pay for the Lucas device.

CM Butler moved, seconded by CM Scott, to approve Ordinance 1112-2016 for the fire department budget. All voted "Aye."

17. CONSIDER APPROVAL OF ORDINANCE # 1113-2016 AMENDING THE 2015-2016 FY BUDGET TRANSFERRING FUNDS FROM ACCOUNT #02-540-5430 "WATER SYSTEM IMPROVEMENTS" TO ACCOUNT #02-541-5431 "SEWER SYSTEM IMPROVEMENTS" IN THE WATER FUND UNDER COUNCIL APPROVED PROJECTS

[This agenda item was discussed and approved concurrently with agenda item #12.]

7. CONSIDER APPROVAL OF RESOLUTION # 861-2016 FOR SPECIAL EVENT PERMITTING IN ORDER FOR O'REILLY AUTO PARTS TO HOLD A CUSTOMER APPRECIATION DAY OUTSIDE EVENT ON THE PROPERTY AT 1220 LONG AVE.

A representative was still not present.

CM Gordon requested the resolution include a specific date for the event as has been standard procedure. Staff will present a resolution once a date for the event is verified.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

18. DISCUSSION AND/OR ACTION ON SCHEDULING A COUNCIL WORK SESSION FOR STRATEGIC AND BUDGET PLANNING

The City Council will hold a work session on June 18, 2016 at 8:00 a.m. in the Council Chambers.

STAFF REPORT:

19. UPDATE ON SUBSTANDARD PROPERTY AT 5600 TAYLOR RD.

CS Gregory reported that the new owner will present a plan of action to staff to repair the property under order of the Building Official.

No action was taken.

PUBLIC FORUM:

20. 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**

Mayor Pro Tem Ashton mentioned that a page of the minutes containing items 22-24 is missing. Staff will send the missing page to the City Council for verification of accuracy.

None.

EXECUTIVE SESSION:

21. 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.
Public Works Department Organization & Administration
- d. Section 551.076 Deliberation regarding security devices.

At 7:46 p.m. Mayor Earwood convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076.

RECONVENE:

At 8:06 p.m. Mayor Earwood reconvened into regular session.

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

23. ADJOURN

Mayor Pro Tem Ashton stated that Mike Arnold's (former River Oaks Code Enforcement Officer) father passed away.

Mayor Earwood stated that Ruby Floyd has terminal cancer and is currently hospitalized for pneumonia.

Mayor Earwood gave a reminder of the All American Celebration this weekend.


At 8:08 p.m. CM Gordon moved, seconded by Mayor Pro Tem Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor