

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JULY 12, 2016**

**MEMBERS PRESENT:**

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

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD (PERSONAL)

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHER  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD  
CITY ATTORNEY BETSY ELAM  
RECORDING SECRETARY SUSAN STEWART

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, July 12, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott 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 JUNE 28, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING JULY 12, 2016 (FY 2016)
- C. APPROVE VOLUNTARY RESIGNATION OF KENNETH WOOTEN IN THE PUBLIC WORKS DEPT.
- D. APPROVE RESIGNATION OF PUBLIC WORKS EMPLOYEE, RON CHESTERMAN

**CM Gordon moved, seconded by CM Scott, to approve consent agenda items A, B, C, and D with the addendum to the minutes. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. CONSIDER APPROVAL OF **REQUEST BY CAROL BRADLEY** TO WAIVE WATER DEPOSIT FEE & CERTIFICATE OF OCCUPANCY REQUIREMENTS ON PROPERTY AT 326 FRONTIER THAT HAS BEEN IN THE NAME OF C.A. BROWN SINCE 1950

Carol Bradley, property owner of 326 Frontier, requested the water deposit and certificate of occupancy requirements be waived since the ownership has not changed from her family. Ms. Bradley stated that she was notified of these requirements by the water department because the water was in the name of her deceased father.

Mayor Pro Tem Ashton explained the only exception to those requirements is in the case of a surviving spouse.

Council members discussed the purpose of the requirements, the safety aspect of the inspection and that precedence has been set by enforcing the requirements on others.

Ms. Bradley again requested the requirements be waived as compensation for the time she has spent trying to resolve the request and the fact that her personal information was put on the internet. CM Holland mentioned credit monitoring which was offered to Ms. Bradley along with an apology for the mishap to which Ms. Bradley acknowledged she had accepted the credit monitoring.

Mayor Pro Tem Ashton spoke in favor of approving the request, stating that the policy represents what staff is to enforce and the City Council is the authority to which an appeal can be made.

**CM Holland moved, seconded by CM Gordon, to deny the request. CM Butler, CM Holland, CM Scott and CM Gordon voted "Aye." Mayor Pro Tem Ashton voted "Nay." Motion passed.**

8. DISCUSSION AND/OR ACTION ON PROGRESS UPDATE ON THE SUBSTANDARD STRUCTURE LOCATED AT 901 CHURCHILL RD. AS REQUESTED BY TOM BANKSTON

Thomas Anthony Bankston, power of attorney for Tom Bankston, presented the power of attorney for review. Mr. Bankston stated that he will be in charge of the plan instead of his father and inquired about the required repairs. Inspector Sanders stated that the property would be required to be brought up to the current code and the vehicles brought into compliance or removed from the property. CM Gordon stated that a detailed plan of action is required which includes the scope of work, the amount of time to complete the repairs, and an estimated cost of the repairs. CM Gordon added that the substandard fee and permit fees will apply.

Mayor Pro Tem Ashton explained that the 30-day time to repair is flexible if significant progress is made and a report is given at the next Council meeting. Mayor Pro Tem Ashton outlined the priorities as abatement of the junk vehicles, payment of the substandard fee, a plan of action and obtaining permits. Inspector Sanders stated that building, plumbing, electrical and mechanical permits would be required.

Mayor Pro Tem Ashton explained that if no progress is made the order to demolish would be carried out after notification and a priority lien would be placed on the property.

**No action was taken.**

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

Inspector Sanders reported that the substandard fee has been paid, an electrical permit has been issued and an application for a plumbing permit has been received. CM Holland asked if any of those items are dependent of the use of the building to which Sanders responded the requirement to bring the property up to code is "across the board." Sanders stated that the permits are valid until July 28, 2016 at which time additional time would be requested if necessary.

**No action was taken.**

10. CONSIDER AMENDING THE APRIL 12, 2016 ORDER OF THE BUILDING BOARD OF APPEALS IN ORDER TO REPAIR SUBSTANDARD STRUCTURES LOCATED ON PROPERTY AT **1203 YALE**

Inspector Sanders reported this property is in compliance.

**No action was taken.**

11. DISCUSSION AND/OR ACTION ON THE FY 2017 PRELIMINARY BUDGET PROPOSAL AS SUBMITTED BY THE CITY SECRETARY

CS Gregory reported an amendment to the water fund due to the retirement of an employee which would be emailed to Council Members. This amendment resulted in a deficit water fund budget of \$199,732. CS Gregory stated that the taxes as presented are the same as last year with the current figures to be available July 26, 2016. CS Gregory stated that health insurance, raises, and vehicle insurance are not included. CS Gregory anticipates an increase in the water and sewer rates. CS Gregory reported that the City has been invited to the initial round for financing through the Texas Water Board for both grants although the City did not qualify for the grants for the disadvantaged.

PC Carter asked if taxes are lowered when the property values increase. It was explained that the overall average is considered, not individual properties.

**No action was taken.**

12. CONSIDER APPROVAL OF THE 2017 BOARD & COMMITTEE APPOINTMENTS AS RECOMMENDED BY MAYOR

CS Gregory recapped the Zoning Board of Adjustments which was not in the packet, stating that Robert Brown has been recommended as an alternate member with Royce Shields as the Chairman and Stan Cumberledge as the Vice-Chairman.

**CM Gordon moved, seconded by CM Scott, to approve the 2017 Board and Committee appointments as recommended by the Mayor. All voted "Aye."**

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

13. CONSIDER APPROVAL OF **ORDINANCE # 1116-2016** AMENDING THE 2015-2016 FISCAL YEAR GENERAL FUND BUDGET DUE TO AN UNPLANNED EXPENDITURE INCREASING THE BUDGET FOR CAPITAL PURCHASING AN ADDITIONAL \$4,300

CS Gregory explained that the auctioned vehicles brought \$4,300 less than anticipated and requested that amount to cover the difference on the purchase price of the public works vehicle.

**CM Gordon moved, seconded by CM Scott, to approve Ordinance #1116-2016. All voted "Aye."**

14. CONSIDER APPROVAL OF **RESOLUTION # 865-2016** ELECTING TO BECOME ELIGIBLE TO PARTICIPANT IN GRANTING TAX ABATEMENTS AND ADOPTING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN REINVESTMENT ZONES CREATED IN THE CITY OF RIVER OAKS UNTIL 2018 AND REPEALING THE FORMER RESOLUTION # 802-2014 ADOPTED ON JUNE 24, 2014

**CM Butler moved, seconded by Gordon, to approve Resolution #865-2016 as written. All voted "Aye."**

CM Gordon mentioned that there are no changes in the resolution from the previous resolution which offers guidelines for tax abatement.

**STAFF REPORT:**

15. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 4829 KESSLER – Richard Mack stated that he has a signed contract and requested the opportunity to repair the property. Mayor Pro Tem Ashton stated that the 30-day notice to demolish has been sent and has expired. CA Elam stated that the temporary restraining order has expired but the petition for suit has not been dismissed.

At 7:46 Mayor Pro Tem Ashton convened into executive session under Section 551.071.

At 7:58 Mayor Pro Tem Ashton reconvened into regular session.

Mayor Pro Tem Ashton stated that Mr. Mack could contact staff tomorrow, this is an update and information is restricted. Mr. Mack stated that he would take care of the attorney fees and had the funding to begin the rehabilitation which he anticipates would take 30-days to bring up to code.

- 5312 TAYLOR RD. – Sanders reported the structures have been demolished.
- 4900 ALMENA RD. – CA Elam stated that this property has title issues. Richard Mack stated that he is attempting to clear the clouded title on this property.

**No action was taken.**

16. EMC JAMES MYRICK ON MOSQUITO SURVEILLANCE PROGRAM

EMC Myrick reported 3 positive mosquito tests. EMC Myrick stated that two pools containing mosquito breeding environments have been found and abated. EMC Myrick stated that the traps were reset in the same locations have resulted in clear tests. EMC Myrick stated that the trap at City Hall is once again positive. EMC Myrick suggested viewing the City website to stay informed.

**No action was taken.**

**OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:**

17. DISCUSSION AND/OR ACTION ON DRIVEWAY AND/OR HARD SURFACE ENFORCEMENT UNDER THE ZONING ORDINANCE

CS Gregory stated that the definition and explanation of "bordering" a gravel driveway is not clear and requested the enforcement of bordering be waived until an amendment can be made to the Zoning Ordinance. CS Gregory clarified that the enforcement of yard parking, new construction or occupancy changes would not be affected by the moratorium.

CM Butler expressed concern over requiring existing driveways to be concrete and the expense involved.

John Claridge mentioned that the Zoning Board of Adjustments had discussed bordering. CS Gregory stated that although discussion occurred, changes were not incorporated into the Zoning Ordinance.

Discussion occurred related to expanding gravel driveways. This topic will be discussed at a future workshop.

CS Gregory recommended driveways be moved from the Zoning Ordinance to a standalone ordinance.

CA Elam presented the option to waive enforcement of existing borderless drives and parking until such time that staff could expeditiously present some revised language.

**CM Holland moved, seconded by CM Gordon, to direct staff to waive the enforcement of existing hard surface bordered driveways as it relates to drive-by code enforcement until such time that staff can bring us recommendations and no longer than six months. All voted "Aye."**

**PUBLIC FORUM:**

18. 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** welcomed Fabian Neathery back.

Expressed concerns that the rules and procedures may not be distributed and enforced evenly

**David Vega** expressed concerns that the rules and procedures may not be distributed and enforced evenly particularly at 5116 River Oaks Boulevard. Mr. Vega inquired as to how the electrical permit is only \$53.00 to fix eight receptacle and two exit signs and say the electrical is up to code. Sanders reported that other work is being done. Inspector Sanders responded to a concern over the bathroom at 5116 River Oaks Boulevard stating that it must be ADA compliant. Mr. Vega stated that through public information requests, he has yet to see a plan of action as required by the Council and Building Official. Mayor Pro Tem Ashton stated that there is 30-day order on the property which has not expired. Mayor Pro Tem Ashton gave assurance that the rules are being followed and the order is being enforced and that there will be another public hearing if compliance is not met within the 30-day time as ordered.

**EXECUTIVE SESSION:**

19. 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:

- 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.

[Executive session was enacted under agenda item #15, with no action taken.]

At 8:31 p.m. Mayor Pro Tem Ashton convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076.

**RECONVENE:**

At 8:46 p.m. Mayor Pro Tem Ashton reconvened into regular session.

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken.**

**ADJOURN:**

21. ADJOURN

**At 8:48 p.m. CM Gordon moved to adjourn the meeting.**

**CM Holland** mentioned the signage at Braum's and requested for staff to enforce the ordinances on those signs.

**Mayor Pro Tem Ashton** mentioned that the marquis sign which lists another location is an off-site sign and not allowed.


**CM Butler seconded the motion to adjourn.**

**All voted "Aye".**

**APPROVED:**

  
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Joe Ashton, Mayor Pro Tem

**ATTEST:**

  
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Marvin Gregory, City Secretary