

**MINUTES OF THE SPECIAL CALLED MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 6, 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  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
ECONOMIC DEVELOPMENT CONSULTANT PATRICIA WARD  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
RECORDING SECRETARY SUSAN STEWART

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Special Called Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, September 6, 2016 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.

[At 7:02 p.m. Mayor Earwood convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076.]

[At 7:45 p.m. Mayor Earwood reconvened into regular session.]

Mayor Earwood recommended Gordon Smith for the position of public works director.

**Mayor Pro Tem Ashton moved, seconded by CM Gordon, to accept and ratify the mayor's recommendation of Gordon Smith as the Public Works Director. All voted "Aye."**

**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 AUGUST 23, 2016 REGULAR COUNCIL MEETING

- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 6, 2016 (FY 2016)
- C. APPROVAL OF CERTIFICATION PAY FOR MICHELLE DAVIS, ADMINISTRATIVE ASSISTANT

**Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve consent agenda items A through C. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON PROGRESS REPORT REGARDING SUBSTANDARD PROPERTY AT 901 CHURCHILL

Thomas Bankston gave an update stating that they have been cleaning out the house and have had the dumpster removed as requested by Inspector Sanders. Mr. Bankston stated that he has a buyer who is also present.

Mayor Earwood stated that the order in place will remain. CS Gregory confirmed that the council order will end at the end of October.

Jose Navarro, prospective buyer, cited a potential closing date of September 25, 2016 and requested an extension. It was stated that the council could consider allowing additional time if significant progress is made. Mr. Navarro stated that he anticipates being 50% complete by October 15, 2016 and completely finished within 3-weeks after taking possession. Council suggested that Mr. Navarro to contact staff.

**No action was taken.**

8. DISCUSSION AND/OR ACTION ON SUBSTANDARD BUILDING LOCATED AT 5116 RIVER OAKS BLVD.

CS Gregory reported that although the store has been cleared the plumbing needs to be brought up to ADA standard and there remains electrical and mechanical work to be completed. CS Gregory reported that a prospective sub-lessee has meet with Inspector Sanders and understands that they must take care of the inside violations as well as parking lot and the road that goes across to Roberts Cut Off. CS Gregory reported that the order to repair ends at the end of October. Discussion occurred regarding whether or not the building is substandard or if it has been reported to be non-substandard any longer to which Mayor Earwood stated that the remaining issues are not required of a vacant building but would be required for a certificate of occupancy.

**No action was taken.**

9. **DISCUSSION AND/OR ACTION ON APPROVAL TO SUBMIT THE ASSESSMENT I AND NITRIFICATION ACTION PLANS TO TCEQ UNDER THE REVISED TOTAL COLIFORM RULE (RTCR)**

CS Gregory reported that with two positive samples for total coliform, the City is required to submit both an Assessment I Plan and a Nitrification Action Plan with TCEQ. CS Gregory explained that there is cost associated with the plan. CS Gregory stated that an attempt to increase communication about the current nitrification process has been made through publication in the paper, the website and it has been placed on the water bills.

**CM Gordon moved, seconded by CM Butler, to approve CS Gregory to submit the Assessment I and Nitrification action plans to TCEQ. All voted "Aye."**

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

10. **PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2016-2017 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS**

At 8:00 p.m. the public hearing was opened.

CM Holland presented an option to adopt the proposed tax rate at \$.794444 per \$100 of property value instead of the posted rate of \$.80 per \$100 which would impact the budget by around \$11,720. Patricia Ward supported the suggested rate of \$.794444 per \$100. CS Gregory relayed a concern that Tarrant County Appraisal District has some refund issues and no money will be paid to the cities until the refunds are satisfied. CS Gregory stated that details of another concern will be made available after October 1, 2016.

With no public comment the public hearing was closed at 8:15 p.m.

11. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 1120-2016 ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017**

**CM Gordon moved, seconded by CM Holland, to approve Ordinance #1120-2016 adopting the River Oaks Operating budget years 2016-2017. All voted "Aye."**

12. **PUBLIC HEARING: CONSIDER APPROVAL OF ADOPTING THE AD VALOREM TAX RATE AT THE TAX RATE OF \$0.800000 PER \$100 OF PROPERTY VALUE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, WHICH IS EFFECTIVELY A 3.5139 % INCREASE IN THE TAX RATE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE**

At 8:16 p.m. the public hearing was opened.

CS Gregory reported total revenue of approximately \$1,987,893.

With no public comment the public hearing was closed at 8:18 p.m.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 1121-2016** AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AT A RATE OF \$0.800000 PER \$100 OF PROPERTY VALUE WHICH IS EFFECTIVELY A 3.5139 % INCREASE IN THE TAX RATE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE

**Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve Ordinance #1121-2016 affixing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2016 and ending September 30, 2017 at a rate of \$.794444 per \$100 of property value which is effectively a 2.8% increase in the tax rate. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. All voted "Aye."**

14. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

This public hearing was continued from the August 23, 2016 meeting.

CS Gregory reported no contact although this property was due to go to court on September 2, 2016

Mayor Earwood announced that this public hearing would remain open and be continued on September 27, 2016 at 7:00 p.m.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

**None.**

16. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **603 HARRISDALE AVE.**

This public hearing was continued from the August 23, 2016 meeting.

Robert Waggoner reported that he is attempting to reach the lienholder in order to sell the property.

Staff requested a new order be issued due to the age of the previous order.

Pictures were shown. Mr. Waggoner indicated that the buyer would demolish the structure.

CM Gordon expressed concern issuing an order without the recommendation of the building inspector regarding health, safety and welfare and recommended leaving the public hearing open. Mayor Pro Tem Ashton stated that the memo from the inspector recommended demolition. CS Gregory, as the building official, stated that he could not make that determination because he had not personally inspected the property.

Mayor Earwood announced that this public hearing would remain open and be continued on September 27, 2016 at 7:00 p.m.

**17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 603 HARRISDALE AVE. THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED**

**None.**

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

**18. CONSIDER APPROVAL OF RESOLUTION # 868-2016 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2016-2017 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)**

**CM Gordon moved, seconded by CM Scott, to approve Resolution #868-2016. All voted "Aye."**

**19. CONSIDER APPROVAL OF RESOLUTION # 869-2016 REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE TO RECEIVE FUNDING FOR WATER INFRASTRUCTURE IMPROVEMENTS; MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE**

**CM Butler moved, seconded by CM Scott, to approve Resolution #869-2016. All voted "Aye."**

**20. CONSIDER APPROVAL OF RESOLUTION # 870-2016 REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE TO RECEIVE FUNDING FOR WASTEWATER SYSTEM IMPROVEMENTS; MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE**

**CM Holland moved, seconded by CM Gordon, to approve Resolution #870-2016 under the Clean Water State Revolving Fund. All voted "Aye."**

Bill Lohrke, City Engineer, explained the resolutions which are required for formal application for the Drinking Water State Revolving Fund of approximately \$8 million and the Clean Water State

Revolving Fund of approximately \$7 million. CM Holland mentioned that this would not only allow for the water and sewer line repairs but also to replace the streets afterward.

21. CONSIDER APPROVAL OF **RESOLUTION # 871-2016** FOR SPECIAL EVENT PERMITTING THE RIVER OAKS POLICE DEPARTMENT TO HOLD RIVER OAKS NIGHT OUT

Discussion occurred related to the date of the event being either October 3 or October 4. PC Carter requested to host a River Oaks Night Out at the Community Center.

**CM Scott moved, seconded by Mayor Pro Tem Ashton, to approve Resolution #871-2016 with the date to be determined by the Police Chief. All voted "Aye."**

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

22. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER EVENTS AND/OR RENTALS:

- BONFIRE AND CARNIVAL ON SEPTEMBER 22, 2016 – This event has been cancelled.
- KARATE PROGRAM – Abundio Munoz requested to hold a karate program one day a week.
- BOOK FAIR, SATURDAY OCTOBER 29 – Jason Martinez, Sal Limas and Emma Aguilar described a book fair with the Library Board on October 29 from 10am - 2pm.
- AFTER SCHOOL PROGRAM AS REQUESTED BY SAL LIMAS AND JASON MARTINEZ - Jason Martinez, Sal Limas and Emma Aguilar presented preliminary information about an after school mentoring program with hopes of bridging community and school.
- HALLOWEEN ON OCTOBER 28, 29 AND 31<sup>ST</sup>. – Candy will be handed out.

Jason Martinez announced a 3-on-3 tournament on September 24, 2016.

Mayor Pro Tem Ashton assumed the role of presiding officer from 9:06 p.m. until 9:08 p.m. while Mayor Earwood stepped away from the dais.

No formal action was taken.

23. DISCUSSION AND/OR ACTION REGARDING ANIMAL CONTROL ORDINANCE

CS Gregory relayed the concern that the current ordinance only addresses when a dog bites a human but does not address dogs that kill other animals unless it happens more than once. CS Gregory requested this item be postponed by request of staff and Judge Vogel.

No action was taken.

**PUBLIC FORUM:**

24. 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**

**Jack Allen** mentioned hosting a ceremony celebrating and honoring active duty military assigned to the nearby base as well as local veterans.

**Mayor Earwood** stated that the City Council next meeting would be on September 27, 2016.

**EXECUTIVE SESSION:**

25. 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.  
**Hiring of Public Works Director.**
- d. Section 551.076 Deliberation regarding security devices.

[Executive session was enacted prior to agenda item #5.]

**RECONVENE:**

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

[Action was taken prior to agenda item # 5]

**ADJOURN:**

27. ADJOURN

**At 9:13 p.m. Mayor Pro Tem Ashton moved, seconded by CM Holland, to adjourn the meeting. All voted "aye".**

**APPROVED:**

**ATTEST:**



Marvin Gregory, City Secretary

  
Herman Earwood, Mayor