

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 11, 2017**

MEMBERS PRESENT:

MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOANN BUTLER

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BETSY ELAM
EMERGENCY MGT JAMES MYRICK
EDC COORINATOR PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR GORDON SMITH

ABSENT:

CM STEVE HOLLAND-EXCUSED (FAMILY ILLNESS)
MAYOR HERMAN EARWOOD (EXCUSED)

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 11, 2017 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 27, 2017 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING JULY 11, 2017 (FY 2017)

C. APPROVAL OF RESIGNATION OF JASON MARTINEZ FROM THE PARKS AND LIBRARY BOARDS

D. APPROVAL OF RESIGNATION OF SAL LIMAS FROM THE PARKS BOARD

E. APPROVAL OF RESIGNATION OF JOANN GORDON FROM ECONOMIC DEVELOPMENT BOARD

CM Butler moved, seconded by CM Scott to approve the Consent Agenda. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 FROM ELLEN O'BARTO TO WAIVE WATER BILL ADMINISTRATIVE FEE DATED JUNE 11, 2017 ON HER WATER ACCOUNT AT 5129 KESSLER.

Ellen O'Barto was present. She forgot to pay her water bill. She had a 70 year old lady staying at her house while she was out of town for two months. She would like something put in place where water would not be turned off on elderly residents. The administrative fee has already been paid. CS Gregory suggested paying the water bill ahead of time and there will be a credit on the account. Mayor Pro Tem Ashton suggested flagging senior accounts that are on the cut off list and call them. CM Scott would like this to be further discussed on calling senior citizens that are on the cut off list. No motion was made.

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

BI Sanders said the plumbing permit has been pulled. Work started this week on the house. The electrical permit will be pulled on Monday. Recommend extending another 30 days.

CM Scott moved, seconded by CM Chisholm to extend an additional 30 days with weekly progress checks with the Building Inspector. All voted "Aye".

9. DISCUSSION AND/OR ACTION ON AMENDING SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 606 WORTHVIEW DR.

BI Sanders said the property management company has been coming out to the property. A building permit for windows has been pulled. This property is repairable but the accessory building needs to be demolished. No action taken.

10. DISCUSSION AND/OR ACTION ON ENFORCEMENT ACTION PURSUANT TO SECTION 3.07.012 OF THE RIVER OAKS CODE REGARDING IMMINENT DANGEROUS BUILDING LOCATED AT 617 OAKLAWN.

BI Sanders said this property is vacant and there is no electricity and gas. There was a fire at this property on July 6, 2017 which is more than 66% destroyed. It is a health and safety danger. BI Sanders is asking for a 11 day demo and cleanup of the property. This property is not feasible of repair and is in immediate danger because there is no fence around it. Evidence

has been taken to the lab which will take 10 days. After that we will get a report from the Fire Marshal and then demolish.

CM Scott moved, seconded by CM Chisholm to move that the City Council find that the building located at 617 Oaklawn based on evidence presented at the hearing, is dangerous and: (1) 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 building is infeasible of repair; and (3) that the owner has been given an opportunity in the past to make the necessary repairs, and there is no reasonable probability that the building(s) will be repaired within a reasonable period of time if additional time is given. Now, therefore, the Building Board of Appeals hereby orders that: (1) order that the building(s) located at 617 Oaklawn be demolished and the debris removed from the property within 11 days following the completion of the fire investigation; and (2) if the owner and/or lienholder of record fails to demolish or remove the building within 11 days from the date following the completion of the fire investigation, the city shall demolish the building at its expense and place a lien on the property to recover its costs. All voted "Aye"

11. DISCUSSION AND/OR ACTION ON EDC DIRECTOR APPOINTMENTS FOR 2017-2018.

The recommendation from the EDC Board is to accept JoAnn Butler's and JoAnn Gordon's resignation and to appoint Darren Houk to Place 5 and Buck Bybee to Place 2.

CM Chisholm moved, seconded by CM Butler to approve the EDC appointments for 2017-2018. All voted "Aye".

12. DISCUSSION AND/OR ACTION ON 2017-2018 CITY BOARD APPOINTMENTS.

CS Gregory said all places have been filled except for the one spot in the Park Board which will remain vacant until it can be filled.

CM Scott moved, seconded by CM Butler to approve the 2017-2018 appointments. All voted "Aye".

13. DISCUSSION AND/OR ACTION ON AMENDING THE FEE SCHEDULE ORDINANCE REGARDING CREDIT CARD CONVENIENCE FEES.

CS Gregory said there have been complaints on charging 5% for using their credit card. CS Gregory called the credit card company and got a list of what is being charged: debit cards 1.4%, credit cards 1.8%, keyed in debit and credit 2.55%, corporate cards 3.3%. The statute states we can re-coop what we are paying out in charges. The recommended amount is 3%. If approved, an Ordinance will be brought back at the next meeting.

CM Chisholm moved, seconded by CM Scott to approve changing the percentage charged to 3%. All voted "Aye".

14. CONSIDER APPROVAL TO INSTITUTE A POLICE DEPARTMENT PROGRAM FOR VOLUNTARY REGISTRATION BY FAMILY MEMBERS OF PERSONS AFFLICTED BY CERTAIN MEDICAL CONDITIONS SUCH AS DEMENTIA, ALZHEIMER'S, AUTISM OR OTHER CONDITIONS THAT MANIFEST THEMSELVES IN DIMINISHED MENTAL COGNITION OR CAPACITY.

PC Spieldenner would like to institute a Police Department program so families can voluntary register with certain medical conditions such as dementia, Alzheimer's, autism or other conditions that manifest themselves in diminished mental cognition or capacity. This program will be open to not just River Oaks.

CM Chisholm moved, seconded by CM Scott to approve the Police Department program providing that a policy will be created. All voted "Aye".

15. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER RECOMMENDATIONS:
- PROPOSING CHANGING THE NAME OF THE COMMUNITY CENTER TO EVENT CENTER
 - APPROVE FRAMEWORK FOR SIGN AT LOCATIONS THROUGHOUT CITY ADVERTISING EVENTS

Directors Shirley Wheat and Shirley Bloomfield would like to change the name of the Community Center to Event Center. This has been brought before the council on several occasions. Feels that this is what it needs to move forward. All signs would have to be changed. CM Scott would like to see what costs are involved before approving this. CM Chisholm feels the name change will not change anything we are currently doing. Mayor Pro Tem Ashton feels if staff keeps bringing this to us, we seriously need to look at it.

Cm Scott moved, seconded by CM Butler to deny the request of the Community Center name change. CM Butler, CM Scott, CM Chisolm voted "Aye". Mayor Pro Tem Ashton voted "Nay". Motion passed.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

16. UPDATE ON MOSQUITO SURVEILLANCE PROGRAM DUE TO POSITIVE SAMPLE TESTS AS PRESENTED BY JAMES MYRICK, EMERGENCY MANAGEMENT COORDINATOR.

EMC Myrick stated all traps were negative last week. The traps will be tested again this week. There have been 700 tires collected in March and April. Thanks to the Council, the city will continue to pick up tires. CM Chisholm thanked EMC Myrick for everything he does as a volunteer.

17. DISCUSSION AND/OR ACTION ON SCHEDULING A FOLLOW UP STRATEGIC PLANNING WORKSHOP.

Mayor Pro Tem said the last Strategic Planning Workshop was in March. Board agreed the next one will be August 5th, 2017 at 8:00 am. No motion was made.

18. DISCUSSION AND/OR ACTION ON CITY REPRESENTATION AT THIS YEAR'S TML CONFERENCE.

Mayor Pro Tem Ashton moved, seconded by CM Butler to approve representation at this year's TML conference for up to 3 staff members to attend since Council does not want to attend. 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**

Mayor Pro Tem Ashton announced the Crud Mobile and electronic recycling will be out here again on July 29th, 2017.

CS Gregory announced the reception for former Council Member JoAnn Gordon will be July 24th, 2017 at 6:30 pm at the Community Center.

EXECUTIVE SESSION:

20. 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.
- d. Section 551.076 Deliberation regarding security devices.

RECONVENE:

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

ADJOURN:

22. ADJOURN

**At 7:58 p.m. CM Scott moved, seconded by CM Chisholm, to adjourn the meeting.
All voted "Aye".**

APPROVED:

Joe Ashton, Mayor Pro Tem

ATTEST:

Marvin Gregory, City Secretary