

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 10, 2017**

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 DIRECTOR GORDON SMITH
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
FIRE CHIEF RUSSELL SHELLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
BUILDING INSPECTOR STEVE SANDERS
CITY ATTORNEY 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, January 10, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Ashton delivered the Invocation.

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

Mayor Pro Tem Ashton led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

- LIFESAVING AWARD PRESENTED TO ROFD OFFICER MESA – Fire Chief Russell Shelley presented an award to Police Officer Meza for saving the life of a child in the few minutes prior to the arrival of fire department personnel.
- SCHOOL BOARD APPRECIATION MONTH, JANUARY 2017 – Mayor Earwood stated that this presentation was given to the school board last night.

No action was taken.

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 DECEMBER 13, 2016 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING DECEMBER 27, 2016 (FY 2017)
- C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING JANUARY 10, 2017 (FY 2017)

D. RATIFY APPROVAL TO CHANGE ORDINANCE NUMBER FROM # 865-2016 TO # 865A-2016 FOR TAX ABATEMENT GUIDELINES

E. CONSIDER APPROVAL OF REVISED DEVELOPMENT AGREEMENT AS RECOMMENDED BY E.D.C. FOR PROPERTY INCENTIVES (WAIVING PERMIT FEES) PERTAINING TO THE NEW CONSTRUCTION OF 5 TOWNHOMES LOCATED AT 5221 THROUGH 5237 PARK DR. (APPROVED BY RESOLUTION 856-2016)

F. APPROVAL OF MAYOR'S RECOMMENDATION FOR HIRING BYRON JAMES IN THE PUBLIC WORKS DEPT.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, 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. DISCUSSION AND/OR ACTION ON AMENDING OR ENFORCING THE JUNE 28, 2016 ORDER OF THE BUILDING BOARD OF APPEALS AS EXTENDED UNTIL JANUARY 10, 2017 ON THE SUBSTANDARD PROPERTY AT 901 CHURCHILL

BI Sanders reported that only some plumbing and electrical remain along with some flooring remain for the property to be in compliance.

Thomas Bankston was present.

Mayor Pro Tem Ashton moved, seconded by CM Scott, to amending the June 28, 2016 order of the building board of appeals by extending the order through January 24, 2017 on 901 Churchill. All voted "Aye."

8. CONSIDER APPROVAL OF REQUEST BY ANDY LOBERGER FOR PERMISSION TO PLACE THE CLOTHING DONATION BOX IN THE PARKING LOT OF THE SHOPPING CENTER LOCATED IN THE 5500 BLOCK OF RIVER OAKS BLVD.

Andy Loberger, owner of the Clothes Bin, stated that he recently purchased this clothes and textile recycling franchise. Mr. Loberger explained that he passes by the bin frequently. Mr. Loberger described a sensor which measures the capacity of the bin and sends him an alert when necessary. Mr. Loberger requested for the bin be allowed to remain at 5500 River Oaks Blvd.

Council Member Holland expressed concern with dumping around the bin should it become full or not fit in the bin.

James Blake, property manager 5500 River Oaks Blvd., confirmed that dumping of refuse occurs as it does around most dumpsters.

Mr. Lobergers suggested a short term commitment.

CM Holland moved, seconded by CM Scott, to deny the request and have the box removed at 5500 River Oaks Boulevard. All voted "Aye."

9. CONSIDER APPROVAL OF REQUEST FROM TIERRA MCCUTCHEON-RAPER FOR USE OF THE COMMUNITY CENTER WEEKLY ON SATURDAYS FOR KID'S PROGRAMMING

Community Center Director Shirley Wheat stated that she had contacted the requestor today who is not present.

No action was taken.

10. DISCUSSION AND/OR ACTION ON REQUEST BY CITIZEN SHIRLEY WHEAT REGARDING PROPERTY AT 250 ROBERTS CUT OFF RD./5221 BLACKSTONE DR. BEING USED AS A PUB

Citizen and Community Center Director Shirley Wheat expressed concern that a pub may be allowed on Roberts Cut Off. Ms. Wheat is concerned for the safety of neighborhood children, school children and Community Center visitors. Ms. Wheat indicated her main concern is traffic. Ms. Wheat described an abundance of foot traffic near the Community Center. Ms. Wheat proposed no parking sign be installed on Blackstone and Winters.

Mayor Pro Tem Ashton brought up a discussion concerning the portion of the building in River Oaks and the requirement to issue a certificate of occupancy. The possibility of annexation was briefly mentioned to which CS Gregory indicated would not be mutually agreeable between the City of Fort Worth and the City of River Oaks.

CA Elam explained that the sale of alcohol is what is regulated and if the cash register is in Fort Worth, the City of River Oaks may not have enforcement authority.

PC Carter will investigate and bring a proposal forward if deemed necessary.

No action was taken.

11. DISCUSSION AND/OR ACTION BY THE CITY COUNCIL IN SCHEDULING A STRATEGIC PLANNING WORKSHOP

Mayor Earwood suggested review of the City Charter and discussion on gravel driveways. CM Holland requested updates on water, sewer and a list of streets.

The workshop will be held on Saturday January 21, 2017 at 8:00 a.m.

No action was taken.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

12. 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 December 13, 2016 meeting.

CS Gregory stated that the updated title search has been received and new notices will be mailed to the interested parties.

At 7:51 p.m. the public hearing was closed.

13. 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

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF **ORDINANCE # 1133-2017** AMENDING THE 2016-2017 GENERAL FUND BUDGET BY EXPANDING ACCOUNT # 514-5112 "EXEMPT SALARY" IN DEPARTMENT 514 "CITY ADMINISTRATOR"

No discussion occurred.

CM Holland moved, seconded by CM Gordon, to approve Ordinance #1133-2017. All voted "Aye."

15. CONSIDER APPROVAL OF **RESOLUTION # 878-2017** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE)

No discussion occurred.

CM Gordon moved, seconded by CM Butler to approve Resolution #878-2017. All voted "Aye."

PUBLIC FORUM:

16. 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**

Don Istook gave an update of the new construction of six new homes at Meandering and Yale.

Mayor Earwood responded to **Mr. Istook's** inquiry regarding two properties on Black Oak stating that the owner is to demolish both structures by the end of the month.

CM Holland requested the code for metal buildings be included for discussion in the upcoming planning session. CM Holland stated "We are building for the future, not for what we are now."

EXECUTIVE SESSION:

17. 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.
- d. Section 551.076 Deliberation regarding security devices.

None called for.

RECONVENE:

18. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

19. ADJOURN

CS Gregory stated that a Planning and Zoning meeting is scheduled for February 6, 2017 for a public hearing. CM Ashton suggested the meeting include discussion on suggestions for changing to the zoning ordinance.

At 8:05 p.m. CM Holland moved, seconded by CM Gordon, to adjourn the meeting.

All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor