

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

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER BRUCE SCOTT  
COUNCIL MEMBER JOE ASHTON (arrived at 8:22 p.m.)  
COUNCIL MEMBER JOANN GORDON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
EMC COORDINATOR JAMES MYRICK  
CODE ENFORCEMENT OFFICER JUSTIN WOODALL  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY  
PUBLIC WORKS ADMIN SECRETARY CASSANDRA CURRY  
CEO JOHN PAUL JONES  
CITY ATTORNEY BETSY ELAM  
ATTORNEY DEAN ROGGIA

**MEMBERS ABSENT:**

MAYOR PRO TEM STEVE HOLLAND (MEDICAL)

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 12, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor asked CS Gregory to update everyone on Maddie Holland. CS Gregory reported while up in Boston she had fallen and had suffered injury and had to be hospitalized and her recovery is now a slow process and the therapy will most likely have to be in Boston where she is at.

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:

- JANUARY 2016; SCHOOL BOARD RECOGNITION MONTH

**CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 7:05 P.M. UNDER:**

- 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.

**CITY COUNCIL CONVENED BACK INTO REGULAR SESSION AT 7:55 P.M.**

**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 8, 2015 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING DECEMBER 22, 2015 (FY 2016)
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING JANUARY 12, 2016 (FY 2016)
- D. APPROVE HIRING OF PUBLIC WORKS EMPLOYEES AS RECOMMENDED BY MAYOR
- E. APPROVE APPOINTMENT OF DAN YSTEPHANY MALAGON AS A RESERVE POLICE OFFICER

**CM Gordon moved, seconded by CM Butler, to approve the consent agenda items A through E. 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 REQUEST BY JENNIFER DE LA FUENTE AT 5919 MEANDERING ROAD REGARDING DRIVEWAY HARD SURFACE VIOLATION**

**Jennifer De La Fuente** reported that she had met with John Paul Jones back on March 10, 2015 and he notified her that there were numerous complaints regarding tracking mud out into Meandering and that she had to improve the driveway in accordance to the code. **John Paul Jones** followed up by stating he had told her that she could gravel the existing driveway from the approach to the garage.

**Mayor Earwood** stated that it appeared that the area that was gravel had been expended west to the property line that wasn't gravel construction before. **CM Gordon** stated the driveway had obviously been significantly modified.

The Council as a whole was of the opinion that only the driveway to the garage that was previously gravel could be graveled and the remainder had to be concrete. It was recommended that she remove the gravel from the expanded section and get a permit to concrete the rest. Council directed Ms. De La Fuente to get with city staff and obtain permitting.

**No further action was taken.**

8. CONSIDER APPROVAL EXTENDING PERMIT FOR SPECIAL PURPOSE SIGNAGE DISPLAYING THE STATUTE OF LIBERTY BALLOON AT 4833 GREEN OAKS UNTIL APRIL 15, 2016.

**Scott Kirk** was present requesting to be allowed special use permitting to put the statue of liberty display on top of their business through April 15, 2016.

**CM Scott moved, seconded by CM Gordon, to approve the special purpose signage through April 15, 2016. All voted "Aye."**

9. CONSIDER APPROVAL OF AGREEMENT WITH SENIOR CITIZEN SERVICES OF GREATER TARRANT COUNTY (SCS) PROVIDING A CONGREGATE MEAL PROGRAM FOR PERSONS AGE 60 OR OLDER AND THEIR SPOUSE INCLUDING AN ANNUAL SERVICE FEE OF \$1,000 PAYABLE BY THE CITY TO SCS

**Director Shirley Wheat** requested that the Council approve the Agreement from the Senior Citizen Services of Greater Tarrant County for the senior meal program with the only addition this year being that the city is required to pay \$1,000 to them in order to help defray some of the costs associated with the program.

**CM Butler moved, seconded by CM Gordon, to approve the Agreement including the fee of \$1,000. All voted "Aye."**

10. DISCUSSION AND/OR ACTION ON PURSUING FURTHER ENFORCEMENT ACTION THAT MAY INCLUDE FILING MOTION FOR SUMMARY JUDGEMENT IN DISTRICT COURT FOR FAILURE TO COMPLY WITH THE JUNE 9, 2015 ADMINISTRATIVE HEARING ORDER AS AMENDED REGARDING THE SUBSTANDARD BUILDING AT **5008 SHERWOOD DR.**

**CM Scott moved, seconded by CM Gordon, to direct the City Attorney to pursue action to file the motion for summary judgement and judgement for civil penalties with district court. All voted "Aye."**

11. DISCUSSION AND/OR ACTION ON AMENDING THE OCTOBER 27, 2015 COUNCIL ORDERS ON THE SUBSTANDARD PROPERTY AT **1202 BANKS STREET.**

**Enrique Sanchez** was present representing the property as the new owner. **BI Sanders** reported he had made progress since acquiring the property and was requesting additional time up to 180 days to bring the property into compliance. Mr. Sanchez has filed a plan of action with the Inspection Department and Sanders recommended that the Council extend the current Board Order as requested with 30-day inspection checks.

**CM Butler moved, seconded by CM Scott, to approve a 180-day extension to the October 27<sup>th</sup> Board Order. All voted "Aye."**

12. DISCUSSION AND/OR ACTION ON AMENDING THE DECEMBER 8, 2015 COUNCIL ORDERS ON THE SUBSTANDARD PROPERTY AT **622 OAKLAWN DR.**

**CS Gregory** reported that the property is scheduled to close soon but the 30-day order to demolish had expired which waived the permit fee to the owner for demolishing the structure.

**CM Gordon** stated that she was not in favor of waiving the permit since the order had expired. Council was of the consensus that the new owner can bring it back later to the council with his request once he had possession.

**No further action was taken.**

13. CONSIDER APPROVAL OF THE EMERGENCY PIPE-BURSTING OF THE MAIN SEWER LINES IN THE REAR OF COATES DRIVE AND IN THE ALLEY BEHIND 4813 ALMENA ROAD BY NO DIG TEC LLC

**CM Gordon moved, seconded by CM Ashton, to approve to contract with No Dig Tech for the emergency pipe bursting of the sewer line in the rear of Coates Dr. and behind 4813 Almena Rd. in the amount of \$111,845 dollars. All voted "Aye."**

14. DISCUSSION AND/OR ACTION CANCELING THE MONTHLY COMMUNITY LUNCHEONS AS PRESENTED BY COUNCILWOMAN JOANN BUTLER

**CM Butler** asked input from the council but it appears that not many from River Oaks are attending the monthly community luncheons and it has gotten away from everybody bringing food to the point that the city now furnishes both the meats and vegetables.

**Mayor Earwood** recommended that we have the January 26<sup>th</sup> luncheon and announce that it will be the last monthly community luncheon. Discussion was held about possibly having quarterly community forums instead.

**CM Gordon moved, seconded by CM Scott, to cancel the monthly community luncheons after the January 26<sup>th</sup> lunch. All voted "Aye."**

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

15. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **619 HARRISDALE AVE.**

Mike Summers was present stating that they have a contract to sell within the next month.

**THE PUBLIC HEARING WILL BE CONTINUED UNTIL JANUARY 26<sup>TH</sup> AT 7:00 P.M. NO FURTHER ACTION WAS TAKEN.**

16. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **619 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.**

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

17. DISCUSSION AND/OR ACTION ON ESTABLISHING RULES AND PROCEDURES OF THE CITY COUNCIL PURSUANT TO SECTION 3.11 OF THE CITY CHARTER.

Mayor Earwood announced that CM Holland has been out of town due to family illness and wouldn't be back in Texas until his daughter was able to be moved. CM Holland had issued a letter explaining having to be out of town and council was all of the consensus that any establishing rules for meeting attendance would require a charter amendment and in this case, CM Holland had a definite reason to excuse his absence.

**No Action was taken.**

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

18. CONSIDER APPROVAL OF **RESOLUTION # 848-2016** ADDING AN ADDITIONAL AUTHORIZED REPRESENTATIVE ON THE CITY'S BANK ACCOUNTS.

**Mayor Earwood** felt like the city should have another signer on the city bank accounts so that the city would be covered in the event that the other signers were not available. He recommended appointing the senior council member, JoAnn Gordon.

**CM Scott moved, seconded by CM Ashton, to approve Resolution 848-2016 adding CM Gordon as an additional signer to the City's Accounts. All voted "Aye."**

19. CONSIDER APPROVAL OF ORDINANCE # **1095-2016** AMENDING THE FISCAL YEAR 2016 GENERAL FUND BUDGET FOR COMMUNITY CENTER COVE LIGHTING UPGRADES.

**Co-Director Shirley Wheat** felt it was more of a priority to take care of the outside lights first. Mayor Earwood directed staff to look into the costs of installing solar powered lights outside at the community center and bring it back to the council for approval at a later date.

**No further action was taken.**

**STAFF REPORTS:**

20. UPDATE ON SUBSTANDARD PROPERTY AT 1444 LONG AVE. THAT WAS ORDERED DEMOLISHED ON NOVEMBER 10, 2015.

**BI Sanders** reported that the final notice had been sent out that they had failed to comply with the order to have the structure demolished within 30-days. The City will now proceed with action to demolish the structure after January 12, 2016 and the expenses incurred by the city will be charged as a priority lien.

**No Action was taken.**

21. UPDATE ON DELINQUENT TAX STATUS REPORT AS COMPILED BY LGBS TAX ATTORNEYS

**Tina Mulholland** of LGBS was present to present the pie charts that had been created identifying the delinquent taxes that remain to be collected. She asked council if they had any questions on the information provided to them and there were no questions.

**No Further Action was taken.**

22. DISCUSSION AND/OR ACTION ON COUNCIL WORK SESSION SCHEDULED FOR JAN. 30, 2016.

Mayor recommended that the workshop be postponed until we can have a full council present. All were in agreement but no formal motion was made.

**PUBLIC FORUM:**

23. 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**

Without any comments from the public, **Mayor Earwood** asked if councilmembers had anything to bring before the council.

**CM Butler** reminded everyone of the January 26<sup>th</sup> Community Luncheon.

**CM Ashton** apologized for being late tonight but it was work related and unavoidable.

**EXECUTIVE SESSION:**

24. 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.
- d. Section 551.076 Deliberation regarding security devices.

**Executive Session had been called for earlier following Agenda Item #4.**

**RECONVENE:**

- 25. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken at this time.**

**ADJOURN:**


- 26. ADJOURN

**At 9:06 p.m. CM Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
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Marvin Gregory, City Secretary