

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 28, 2016**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE ASHTON  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER BRUCE SCOTT  
COUNCIL MEMBER JOANN GORDON

**MEMBERS ABSENT:**

COUNCIL MEMBER STEVE HOLLAND (MEDICAL)

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
FIRE CHIEF RUSSELL SHELLEY  
EMC COORDINATOR JAMES MYRICK  
BUILDING INSPECTOR STEVE SANDERS  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
PUBLIC WORKS SECRETARY CASSIE CURRY  
EDC CONSULTANT PATRICIA WARD  
LIBRARY DIRECTOR VERONICA CLARK  
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, June 28, 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:

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 14, 2016 REGULAR COUNCIL MEETING
- B. MINUTES OF JUNE 18, 2016 SPECIAL COUNCIL WORK SESSION
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING JUNE 28, 2016 (FY 2016)
- D. APPROVE **RESOLUTION # 864-2016** AMENDING THE AUTHORIZED REPRESENTATIVES ON THE CITY BANK ACCOUNTS AND REPEALING RESOLUTION 858-2016.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve consent agenda items A, B, C, and D. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 MELANIE MCNARY-WHITLEY REQUEST A REDUCED OR WAIVED RENTAL FEE FOR USE OF THE COMMUNITY CENTER ON DECEMBER 10, 2016 TO HOST A CHRISTMAS PARTY FOR NAVY, MARINE CORP AND COAST GUARD SERVICE MEMBERS SELECTED FROM NAS JRB, FORT WORTH

Melanie Whitley, Auxiliary Fleet Reserve Association, requested to host a Christmas event for sea-based military families at the Community Center at no cost to the organization on December 10, 2016 from 10:00 a.m. until 2:00 p.m. Mayor Earwood stated that no alcohol is allowed at the Community Center, to which Mrs. Whitley agreed.

**Mayor Pro Tem Ashton moved, seconded by CM Scott, to approve the request to waive the fee for use of the Community Center on December 10, 2016 to host a Christmas party for Navy, Marine Corp and Coast Guard Service members selected from NAS JRB, Fort Worth and to coordinate with the Community Center Directors for the date and time. All voted "Aye."**

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

8. CONSIDER APPROVAL OF **ORDINANCE # 1115-2016** AMENDING THE 2015-2016 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COMMUNITY CENTER DOLLAR DONATIONS IN ORDER TO PURCHASE A RIDING MOWER AND CHAIRS

Shirley Bloomfield stated that the Wheat's have volunteered to supply a small structure in which to store the requested mower. Mayor Earwood requested the proposed amount be increased to \$1,500. Ms. Bloomfield requested to replace 40 at \$25 each.

**CM Gordon moved, seconded by CM Butler, to approve Ordinance #1115-2016 amending the 2015-2016 fiscal year general fund budget for expenditures of Community Center dollar donations in the amount of \$2,500 to purchase a riding mower and chairs. All voted "Aye."**

9. CONSIDER APPROVAL OF **RESOLUTION # 865-2016** AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO AND ONE-HALF CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

CM Gordon stated that this is an annual request which has proved beneficial.

**CM Butler moved, seconded by Mayor Pro Tem Ashton, to approve Resolution #865-2016 authorizing continued participation with the Atmos Cities Steering Committee. All voted "Aye."**

10. CONSIDER APPROVAL OF **ORDINANCE # 1114-2016** AMENDING THE 2015-2016 FY GENERAL FUND BUDGET FOR EXPENDITURES OF LIBRARY DOLLAR DONATIONS IN ORDER TO ATTEND THE TLA LEADERSHIP IMMERSION SEMINAR

Veronica Clark requested funds to participate in an inaugural program for directors and upper level management library personnel.

At 7:18 p.m. Mayor Pro Tem Ashton assumed the position of presiding officer in the brief absence of Mayor Earwood.

**CM Scott moved, seconded by CM Butler, to approve Ordinance #1114-2016 to approve \$1,413 to allow LD Clark to attend. All voted "Aye."**

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

11. **PUBLIC HEARING: :** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **901 CHURCHILL RD.**

At 7:19 p.m. Mayor Earwood returned to the dais and resumed the role of presiding officer.

**At 7:20 p.m. Mayor Earwood opened the public hearing.**

BI Sanders reported that the building official order has expired. Staff recommended 89-days to bring the property into compliance. Sanders reported no change in the condition of the property and presented photos taken today with the consent of the owner. Brief discussion occurred related to the total time frame already allowed by Council and staff of approximately 9 months. Sanders reported that the owner is abating one junk vehicle per month.

Thomas Bankston stated that the shrubs have been trimmed. Mr. Bankston stated that a previous code officer had agreed to allow him to abate one vehicle per month. Mr. Bankston explained that the insurance company has paid for the roof repair but he is waiting for resolution related to a mold issue. Mr. Bankston stated his intention to install a disappearing stairway, repair the sagging roof and then move forward to the electrical, plumbing and windows as indicated in his plan of action. CM Butler asked if demolition is an option. Mayor Pro Tem Ashton addressed the plan of action presented; stating a plan of action should include time frames and cost estimates.

**At 7:30 p.m. Mayor Earwood closed the public hearing.**

12. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **901 CHURCHILL RD.** 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**

Mayor Earwood stated that staff does not have the authority to extend the time frame allowed to abate junk vehicles beyond the amount of time allowed by City Ordinance.

Discussion occurred comparing a 30-day order with possible extensions as opposed to an 89-day order no extension.

**CM Scott made the following motion: "I move that the City Council find building located at 901 Churchill 1) based on the evidence presented at this hearing is substandard; and 2) that the conditions set forth in this 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 3) that the building(s) is/are feasible of repair; and therefore, orders: (1) the building to be repaired by the owner within 30 days and the lienholder or mortgagee to within an additional 30-days if the owner does not comply; and order (2) that the building be repaired in confirmation with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the owner and the debris removed within 30 days or by the lienholder or mortgagee to within an additional 30-days if the owner does not comply; (3) and further find if the building is not repaired within that time there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and order (4) that a substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. Motion seconded by CM Butler. All voted "Aye."**

Staff will provide an update at the next Council meeting on any progress.

**13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 5116 RIVER OAKS BLVD.**

**At 7:46 p.m. Mayor Earwood opened the public hearing.**

Stephen Bailey, tenant and representative for El Rancho, requested 90-days to obtain bids and permits. Mr. Bailey responded to an inquiry as to why the property has not been brought into compliance and what repairs have been made. Mr. Bailey stated that they have removed the signs, mowed the grass, repaired some drywall that was damaged by vandalism and installed an alarm and security system. Mr. Bailey stated the intention to bring the property into compliance for a vacant building and acquire a tenant. Mr. Bailey stated that the lease was signed and renewed last week but they took possession on December 23, 2015. Mr. Bailey requested a total of 60 days to secure a suitable marketing strategy and a tenant. Mayor Earwood stated that a plan of action and payment of the substandard fees are required and that staff will report back with any progress at the next Council meeting. David Vega pointed out that Mr. Bailey stated a lease was signed last week although he has spent negotiating a lease for three and half months with them. Mr. Vega expressed concern that Mr. Bailey is "shopping a substandard building" and recommended aggressive action be taken.

**At 7:51 p.m. Mayor Earwood closed the public hearing.**

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **5116 RIVER OAKS BLVD.** 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

**CM Butler made the following motion: "I move that the City Council find building located at 5116 River Oaks Boulevard 1) based on the evidence presented at this hearing is substandard; and 2) that the conditions set forth in this Building Official's report exist to the extent that life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 3) that the building is feasible of repair; and therefore, orders: (1) the building to be repaired by the owner within 30 days and the lienholder or mortgagee to within an additional 30-days if the owner does not comply; and order (2) that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the owner and the debris removed within 30 days or by the lienholder or mortgagee to within an additional 30-days if the owner does not comply; (3) and further find if the building is not repaired within that time that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and order (4) that a substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. Motion seconded by CM Scott. All voted "Aye."**

[At 7:53 p.m. Mayor Earwood convened into executive session under convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076, specifically under 551.071 "Temporary Restraining Order at 4829 Kessler Rd."]

[At 8:14 p.m. Mayor Earwood reconvened into regular session.]

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

15. DISCUSSION AND/OR ACTION ON THE 2017 BOARD & COMMITTEE APPOINTMENTS

Mayor Earwood announced that Staff is not ready to proceed and this item will be placed on a future agenda.

**No action was taken.**

16. DISCUSSION AND/OR ACTION ON COUNCIL PARTICIPATION IN THIS YEAR'S TML ANNUAL CONFERENCE IN AUSTIN, TEXAS ON OCT. 4-7

Mayor Pro Tem Ashton and CM Gordon expressed interest in attending the annual TML event.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to allow any interested City Council Members to participate. All voted "Aye."**

**STAFF REPORTS:**

CM Gordon sought clarification related to agenda item #15, asking if board members must be citizens of the City of River Oaks. CS Gregory explained that there are some board positions which are allowed to have members who reside outside of the City. Mayor Pro Tem Ashton mentioned specifically the Park Board and the Library Board, stating that staff would need to respond to an application with an explanation of board eligibility.

**17. STAFF REPORT ON SUBSTANDARD PROPERTIES**

BI Sanders gave a report on some of the following properties:

- 604 FRONTIER –
- 5008 SHERWOOD –
- 603 HARRISDALE –
- 4900 ALMENA RD. – Staff will seek direction from the Council. Sanders stated that staff was under the assumption that this property would go to district court.
- 5312 TAYLOR RD. – Bids have been received for demolition which will be executed within week.
- 4829 KESSLER –
- 5905 BLACK OAK – Sanders responded to an inquiry stating that both houses on Black Oak have been turned over to district court.
- 5909 BLACK OAK – Sanders responded to an inquiry stating that both houses on Black Oak have been turned over to district court.
- 1202 BANKS
- 619 HARRISDALE
- 1203 YALE –
- 5411 PURDUE – The house has been demolished but an accessory building and some debris remain. Staff will notify the property owner of the remaining violations.

- 606 WORTHVIEW –
- 1605 NANCY LANE –
- 5511 AMHERST -
- 5513 AMHERST
- 1123 YALE
- 1505 GREENBRIER –
- 5116 RIVER OAKS BLVD. –
- 5600 TAYLOR – New owner has an active building permit.
- 5116 RIVER OAKS BLVD. –

Mayor Earwood mentioned a house at the corner of Walter and Schilder stating that the structure is not finished and still has equipment in the yard. Staff will inspect the property.

**No action was taken.**

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

18. **POLICE DEPT. MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED

PC Carter gave a reminder of a performance at the Community Center on Thursday at which he will perform.

**No action was taken.**

19. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE

**FC Shelley** showed a photo of the new fire truck, stating that deliver should take place around the 1<sup>st</sup> of August and a "pushing in" ceremony will be held.

**FC Shelley** reported that area fire departments have been assisting the City of White Settlement in a time of tragedy.

**FC Shelley** explained station assistance.

**No action was taken.**

20. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED**

No discussion occurred.

21. **LIBRARY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE**

No discussion occurred.

22. **MUNICIPAL COURT INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES**

No discussion occurred.

23. **PUBLIC WORKS ACTIVITY REPORT INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS**

No discussion occurred.

24. **PARK BOARD ACTIVITY REPORTS INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD**

No discussion occurred.

25. **COMMUNITY CENTER ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES**

No discussion occurred.

26. **CITY SECRETARY ACTIVITY REPORT INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX**

No discussion occurred.

27. **EDC ACTIVITY REPORT INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS**

No discussion occurred.

28. **STORM WATER TASK FORCE ACTIVITY REPORT INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION**



No discussion occurred.

**29. EMERGENCY MANAGEMENT ACTIVITY REPORT INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING**

No discussion occurred.

**PUBLIC FORUM:**

30. 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 Earwood** thanked Steve Sanders for his efforts in the Public Works Department with the absence of Fabian.

**CM Scott** provided an update on CM Holland's daughter stating that she is recovering from surgery.

**CM Gordon** noted that NASJRB is hosting a fireworks event on Saturday at dusk.

**Mayor Earwood** reported a successful All American Celebration.

**CS Gregory** stated that the water quality report is ready to be mailed.

**CS Gregory** reported a solution to the TTHM issue has been resolved.

**No action was taken.**

**EXECUTIVE SESSION:**

31. 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: **Temporary Restraining Order at 4829 Kessler Rd.**
- 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.

At 7:53 p.m. Mayor Earwood convened into executive session under convened into executive session under Section 551.071, 551.072, and 551.074 and 551.076, specifically 551.071 "Temporary Restraining Order at 4829 Kessler Rd."

**RECONVENE:**

At 8:14 p.m. Mayor Earwood reconvened into regular session.

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

33. ADJOURN

**At 8:32 p.m. Mayor Pro Tem Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

**ATTEST:**



Marvin Gregory, City Secretary

  
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Joe Ashton, Mayor Pro Tem