

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JULY 26, 2016**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE ASHTON  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER JOANN GORDON

**MEMBERS ABSENT:**

COUNCIL MEMBER BRUCE SCOTT (MEDICAL)

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
FIRE CHIEF RUSSELL SHELLEY  
EMC COORDINATOR JAMES MYRICK  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY  
PUBLIC WORKS SECRETARY CASSIE CURRY  
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, July 26, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

CM Holland 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 JULY 12, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING JULY 26, 2016 (FY 2016)
- C. APPROVE EDC 3<sup>RD</sup> QUARTER FINANCIAL REPORT (APRIL 1 – JUNE 30, 2016).
- D. APPROVE CCPD 3<sup>RD</sup> QUARTER FINANCIAL REPORT (APRIL 1 – JUNE 30, 2016)
- E. APPROVE STORM WATER FUND 3<sup>RD</sup> QUARTER REPORT (APRIL 1 – JUNE 30, 2016)

F. APPROVE HIRING OF JUAN RODRIGUEZ AS A HEAVY EQUIPMENT OPERATOR IN PUBLIC WORKS DEPARTMENT

G. APPROVE VOLUNTARY RESIGNATION OF KEVIN VILLANUEVA AS A MAINTENANCE OPERATOR IN PUBLIC WORKS DEPARTMENT

H. APPROVE 3<sup>RD</sup> QUARTER INVESTMENT REPORT (APRIL 1 THROUGH JUNE 30, 2016)

I. APPROVE REQUEST BY CARTER BLOOD CARE BUS TO HOLD "RESTOCK THE SHELVES BLOOD DRIVE" IN THE CITY HALL PARKING LOT ON AUGUST 2, 2016.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve consent agenda items A, B, C, D, E, F, G, H and I. All voted "aye."**

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

7. PRESENTATIONS BY THE RIVER OAKS FIRE DEPARTMENT:

- PRESENTATION OF CHECKS TO MUSCULAR DYSTROPHY ASSOCIATION FROM THE FILL-THE=BOOT FUNDRAISER – FC Shelley and Lieutenant Ballard presented a check for \$6,200 to the organization.
- PRESENTATION OF COMMEMORATIVE MAP PIECE TO MARY COLLINS & FAMILY – Mary Collins was presented a plaque and a commemorative map piece that her husband, Bryan Collins, was instrumental in developing prior to losing his life in the Lake Worth Church fire.

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

8. DISCUSSION AND/OR ACTION ON ADOPTING THE RIVER OAKS BLVD. CORRIDOR MASTER PLAN AS PRESENTED BY AECOM AND NCTCOG

Dan Kessler, Assistant Director of Transportation for the North Central Texas Council of Governments (NCTCOG), presented the River Oaks Boulevard Corridor Master Plan. The plan consists of 3 zones with some short term goals and some long term goals to improve and redevelop River Oaks Boulevard.

**Mayor Pro Tem Ashton moved, seconded by CM Gordon, to adopt the River Oaks Boulevard Corridor Master Plan as presented by AECOM and NCTCOG. All voted "aye."**

9. CONSIDER APPROVAL TO AMEND THE ORDER OF THE BUILDING BOARD OF APPEALS ON THE SUBSTANDARD STRUCTURE AT 901 CHURCHILL RD.

Thomas Anthony Bankston, power of attorney for Tom Bankston, gave an update on the progress made thus far stating that he has a plan of action, the substandard fee has been paid, and the vehicles have been removed. Mr. Bankston requested 120 days to bring the property into compliance. Inspector Sanders recommended 90 days with two week progress checks. Sanders stated that if progress ceases, the property would be presented to the City Council for enforcement action.

**Mayor Pro Tem Ashton moved, seconded by CM Holland, to allow an extension of 90-days with two week progress checks. All voted "aye."**

10. CONSIDER APPROVAL TO AMEND THE ORDER OF THE BUILDING BOARD OF APPEALS ON SUBSTANDARD BUILDING LOCATED AT 5116 RIVER OAKS BLVD.

Stephen Bailey, El Rancho Supermarket, reported that the electrical and plumbing have been approved and only the parking lot remains to be completed. Tim Cruz, El Rancho Supermarket, referenced items not on the substandard list but on the certificate of occupancy list. Inspector Sanders reported that the property could be released from substandard condition and that the fire suppression system and parking lot can be done by the next tenant under a certificate of occupancy. Tim Cruz requested 60 days to complete the items required. Sanders suggested 90 days to bring the property into compliance with two week progress checks. Sanders stated that if progress ceases, the property would be presented to the City Council for enforcement action.

**Mayor Pro Tem Ashton moved, seconded by CM Holland, to amend the order of the Building Board of Appeals on the substandard building located at 5116 River Oaks Boulevard for 90-days with two week progress checks. All voted "aye."**

11. CONSIDER APPROVAL OF **ORDINANCE # 1117-2016** EXPENDING FUNDS FROM THE ENDOWMENT FUND FOR LIBRARY WEBSITE DEVELOPMENT

This agenda item was discussed simultaneously with agenda item 12.

**Refer to agenda item 13 for action taken.**

12. CONSIDER APPROVAL OF **ORDINANCE # 1118-2016** EXPENDING FUNDS FROM THE COMMUNITY CENTER DOLLAR FUND FOR COMMUNITY CENTER WEBSITE DEVELOPMENT

Jarod O'Flaherty was present to answer questions related to development of websites for the Library and the Community Center.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1117-2016 expending funds from the endowment fund for Library website development. All voted "aye."**

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1118-2016 expending funds from the Community Center dollar donation fund for website development. All voted "aye."**

At this time Mayor Earwood announced that 606 Worthview under agenda item 17 would be discussed.

Legal counsel was present to update the council, stating that no change has occurred and the lender is still in process of foreclosure. CA Elam requested legal counsel contact her with updates. It was stated that an update would be given on August 9, 2016 by city staff.

13. CONSIDER APPROVAL OF **RESOLUTION #866-2016** FOR SPECIAL EVENT PERMITTING IN ORDER FOR GIGGLES THERAPY AT 905 ROBERTS CUT OFF RD. TO HOLD AN OUTDOOR COMMUNITY EVENT

Zachary Martin requested to hold a back to school bash which would be open to the public.

**CM Butler moved, seconded by CM Gordon, to approve Resolution #866-2016 for Giggles Therapy to hold an outside event on August 27, 2016 from 10:00 am – 3:00 pm. All voted "aye."**

14. **DISCUSS 2016 TAX RATE:** TAKE RECORD VOTE AND SCHEDULE PUBLIC HEARINGS FOR AUGUST 16<sup>TH</sup> AND AUGUST 23<sup>RD</sup>. IF PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER), (MUST HAVE 2 PUBLIC HEARINGS IF PROPOSING TAX RATE THAT IS MORE THAN THE EFFECTIVE RATE)

CS Gregory reported that the 2015 certified taxable value of properties in River Oaks were \$230,253,715. This year's values are up about 13% and therefore the effective tax rate calculated out to be \$0.761294/\$100 down from last year's effective tax rate of \$0.852309/\$100. Effective tax rate is the total tax rate needed to raise the same amount of property tax revenue in both the 2015 and 2016 tax years.

Gregory stated in essence that when values increase, the effective tax rate will decrease and with property value increasing this year the effective tax rate went down to \$0.761294. Gregory recommended due to increased maintenance and operation costs that the council consider proposing a tax rate of \$0.800000 that would be a 5.09% increase and in doing so would require public hearings to be scheduled on August 16<sup>th</sup> and on August 23<sup>rd</sup>.

**CM Holland moved, seconded by CM Gordon, to propose the effective tax rate of \$.80 for the next tax year and to publish the rate and schedule the public hearings for August 16, 2016 and August 23, 2016. All voted "aye."**

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

15. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED PROPERTY RE-PLAT IN THE **FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND** AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-05)**

At the request of CS Gregory this public hearing will be continued on August 9, 2016 at 7:00 p.m.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED PROPERTY RE-PLAT IN THE **FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND** AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT

**None.**

**STAFF REPORT:**

**17. STAFF REPORT ON SUBSTANDARD PROPERTIES**

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

- 604 FRONTIER – A progress check is scheduled for August 5, 2016.
- 5008 SHERWOOD –
- 603 HARRISDALE –
- 4900 ALMENA RD. –
- 4829 KESSLER –
- 5905 BLACK OAK –
- 5909 BLACK OAK –
- 1202 BANKS – Staff will bring to the City Council for action following proper notification.
- 619 HARRISDALE - Staff will bring to the City Council for action following proper notification.
- 5411 PURDUE – The main structure has been removed but an accessory building remains. Staff will bring to the City Council for action.
- 606 WORTHVIEW – This update was given prior to agenda item 13. No additional report was given.
- 1605 NANCY LANE – This property is in compliance.

- 5511 AMHERST -
- 5513 AMHERST -
- 1123 YALE
- 1505 GREENBRIER -
- 334 FRONTIER -
- 610 WORTHVIEW
- 5600 TAYLOR - The substandard fee has been paid and there are active building and electrical permits.
- 5312 TAYLOR - The structure has been demolished, the property released from substandard and a lien will be filed for the costs.

**No action was taken.**

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

18. DISCUSSION AND/OR ACTION ON REQUEST BY RICHARD MACK TO PRESENT PLAN OF ACTION TO REMODEL SUBSTANDARD PROPERTY AT 4829 KESSLER

It was stated that no action could be taken while the property is in litigation.

Richard Mack stated that the seller is willing to drop the suit. Mr. Mack stated that he has a plan of action with an estimated cost of \$32,500 and he requested 60-days to bring the property into compliance. CA Elam stated that there is a claim against the seller for the attorney fees that the City is waiting on a plea and a ruling by the judge. Mr. Mack offered to pay the accruing attorney fees.

**No action was taken.**

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

19. **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** stated that a dispatcher would be leaving River Oaks for a higher paying opportunity in Westworth Village and suggested salaries be reviewed during the budget process.

**PC Carter** stated that school hours have changed which may require additional signage to correspond with those times.

**PC Carter** stated that the new police unit should arrive soon.

**No action was taken.**

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

**FC Shelley** reported that the new fire truck should arrive by August 21, 2016.

**No action was taken.**

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

No discussion occurred.

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

No discussion occurred.

**23. 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.

**24. 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.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

29. **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.

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

No discussion occurred.

**PUBLIC FORUM:**

31. 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**

**CM Gordon** requested the podium be placed in the Council Chambers for Council meetings.

**No action was taken.**

**EXECUTIVE SESSION:**

32. 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: **Litigation on substandard properties**
- 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.

**RECONVENE:**

None.

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

**ADJOURN:**

34. ADJOURN

**At 9:05 p.m. CM Holland moved, seconded by CM Gordon, to adjourn the meeting.  
All voted "Aye".**

**APPROVED:**

**ATTEST:**

  
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Marvin Gregory, City Secretary

  
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Herman Earwood, Mayor