

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
NOVEMBER 8, 2016**

**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  
CODE ENFORCEMENT OFFICER BETH BLEVINS  
CODE ENFORCEMENT OFFICER DEBRA VECHNAK  
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, November 8, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Earwood announced that the Storm Water Public Hearing has been continued to November 22, 2016 at 7:00 p.m.

**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:**

- INTRODUCTION BY MAYOR OF CODE ENFORCEMENT OFFICERS

Mayor Earwood introduced Code Enforcement Officer Beth Blevins and Code Enforcement Officer Debra Vechnak.

**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 OCTOBER 25, 2016 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 8, 2016 (FY 2017)

C. APPROVE RETIRING OF BILL MATHIS AS A HEAVY EQUIPMENT OPERATOR IN PUBLIC WORKS DEPARTMENT

D. APPROVE AGREEMENT FOR DRUG & ALCOHOL TESTING WITH ALLIED COMPLIANCE SERVICES, INC.

**CM Holland 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON PROGRESS REPORT REGARDING SUBSTANDARD PROPERTY AT 901 CHURCHILL

Thomas Bankston reported efforts in preparation for the mechanical and plumbing projects. Mr. Bankston stated that he met with BI Sanders today.

BI Sanders reported that no workers have been on site during the day. BI Sanders stated that one six yard dumpster has been filled and the mechanical unit and hot water heater have been removed. Sanders added that the electrical permit has expired with no work begun, no mechanical permit and an active plumbing permit. BI Sanders responded to an inquiry that in his opinion "significant progress" has not been made. BI Sanders stated that exterior work would appear to be more significant.

Maria Deleon and Thomas Bankston stated that they are working in the evenings and on weekends.

Mr. Bankston stated that he has contacted someone for the windows and siding. Mr. Bankston stated that he had begun work on the interior to eliminate any hazards.

CM Gordon and CM Holland expressed the urgency and the importance of making this project a priority. Mayor Pro Tem Ashton warned that if significant progress is not made in two weeks the structure will come down.

BI Sanders reminded that weekly progress checks are required.

**No action was taken.**

8. CONSIDER APPROVAL OF 480-FEET OF EMERGENCY PIPE-BURSTING OF 10" MAIN SEWER LINE FROM HOPE TO ITS CONNECTION IN CHURCHILL AND APPROXIMATELY 650-FEET OF PIPE-BURSTING OF 6" MAIN SEWER LINE IN REAR OF CHURCHILL RD. FROM WHITE OAK TO THE END OF LINE

PWD Smith explained that staff has been monitoring the sewer main from Hope continuing east and leading to a manhole that connects to Fort Worth. PWD Smith requested to replace 480 feet of sewer line and the 6-inch main at \$118,887.50 under an emergency replacement due to failure of the line.

**CM Scott moved, seconded by CM Butler, to approve the proposal of \$118,887.50 on the Hope street repairs.**

CM Holland sought clarification of the location.

**All voted "Aye."**

9. CONSIDER APPROVAL OF THE TMRS (TEXAS MUNICIPAL RETIREMENT SYSTEM) CITY PORTAL USE AGREEMENT APPOINTING AN ADMINISTRATOR FROM THE CITY

CS Gregory requested approval of the portal to assist with recording monthly TRMS information and status updates. CS Gregory recommended Assistant City Secretary Luck as the administrator.

**Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve the TMRS city portal use agreement and appointing an administrator as Paula Luck. All voted "Aye."**

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

10. **ADMINISTRATIVE HEARING:** PURSUANT TO SECTION 3.07.013013 OF THE RIVER OAKS CODE OF ORDINANCES IN ORDER TO ASSESS A CIVIL PENALTY AGAINST THE PROPERTY OWNER/LEASEE AT **5116 RIVER OAKS BLVD.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES

At 7:25 p.m. Mayor Earwood opened the public hearing.

Mayor Earwood stated that only the testing of fire suppression system remained for the current tenant. Mayor Earwood added that the ADA restroom and the parking lot would be the responsibility of the new tenant. Mayor Earwood stated that in order to release a property from substandard a certificate of occupancy is issued.

Much discussion occurred related to the procedure and the connection of issuing a certificate of occupancy prior to substandard release. Mayor Earwood stated that the property would remain substandard until the occupant acquires an approved certificate of occupancy although the current tenant has met their obligation.

BI Sanders reported that the fire suppression system requirement has been met. BI Sanders confirmed that the property is still substandard due to the lack of ADA restrooms and the parking lot to which CS Gregory agreed.

A representative of the tenant stated the request of the attorney for the property to have the property released in order to move forward with the new tenant.

At 7:35 p.m. Mayor Earwood closed the public hearing.

**11. ACTION FROM ADMINISTRATIVE HEARING:** CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER/LEASEE AT **5116 RIVER OAKS BLVD.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE

**Mayor Pro Tem Ashton moved, seconded by CM Holland, to not assess penalties pursuant to section 3.07.013 against the property owner at 5116 River Oaks Boulevard and to remove from the substandard list with the provision that it still has to have ADA compliant restrooms a parking lot completed before any certificate of occupancy can be issued. All voted "Aye."**

**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 October 25, 2016 meeting.

It was reported that this property is in foreclosure which could be several more weeks.

Mayor Earwood announced that this public hearing would remain open and be continued on November 22, 2016 at 7:00 p.m.

**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.**

**14. PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED SITE PLAN REQUEST PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO CONSTRUCT A NEW 2,400 SQUARE FOOT COMMERCIAL BUILDING TO BE USED FOR STORAGE AND FOR A WORKSHOP ON THE COMBINED .5047 ACRES OF LAND THAT IS BEING PLATTED INTO A SINGLE COMBINED LOT IN THE R.W. WEATHERFORD SUBDIVISION AND ONCE RECORDED IN THE DEED OF RECORDS SHALL BE THEN DESCRIBED AS BEING BLOCK 3, LOT 14A R.W. WEATHERFORD SUBDIVISION **(ZONING CASES # SP 2016-0006 & SP 2016-0006R)**

At 7:38 p.m. Mayor Earwood opened the public hearing.

CS Gregory stated that the Planning and Zoning Commission approved a recommendation for an amending plat which can be approved by the Public Works Director. This hearing is for site plan approval which is required in "I" Industrial zoning districts for new construction of any structure or the expansion of more than 50% to an existing structures. CS Gregory addressed a concern of storm water runoff which has been remedied by the applicant. Another concern was with the two existing buildings that abut another property. CS Gregory added that the City does not verify property lines and the applicant has provided a survey. The property line concern is a civil matter and does not affect site plan approval. This site plan is for a new 2400 square foot building. CS Gregory stated that a screening fence would be required to which the applicant confirmed they would put around the entire perimeter of the property. CS Gregory explained that the side and rear yard setbacks would be met according to Section 22 as long as the usage is an accessory use. CS Gregory confirmed that the parking requirements are also met in the site plan.

At 7:41 p.m. Mayor Earwood closed the public hearing.

**15. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF SITE PLAN REQUEST PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO CONSTRUCT A NEW 2,400 SQUARE FOOT COMMERCIAL BUILDING TO BE USED FOR STORAGE AND FOR A WORKSHOP ON THE COMBINED .5047 ACRES OF LAND THAT IS BEING PLATTED INTO A SINGLE COMBINED LOT IN THE R.W. WEATHERFORD SUBDIVISION AND ONCE RECORDED IN THE DEED OF RECORDS SHALL BE THEN DESCRIBED AS BEING BLOCK 3, LOT 14A R.W. WEATHERFORD SUBDIVISION (**ZONING CASES # SP 2016-0006 & SP 2016-0006R**)

**Mayor Pro Tem Ashton moved, seconded by CM Butler, to approve Zoning Case 2016-006R as recommended by the Planning and Zoning Commission. All voted "Aye."**

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

16. CONSIDER APPROVAL OF **ORDINANCE # 1131-2016** AMENDING THE 2016-2017 GENERAL FUND BY EXPANDING IT TO ALLOW FOR THE EXPENDITURE OF PARK DOLLAR DONATION FUNDS FOR PURCHASE OF SCOREBOARDS & A DIRT GRADER

BI Sanders requested to replace two scoreboards with wireless controllers and a new dirt grader at a cost of \$13,000.

**CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1131-2016 amending the Park Board donation fund budget in the amount of up to \$13,000. All voted "Aye."**

**STAFF REPORTS:**

17. REPORT ON HEROES PROJECT BY LOWE'S HOME IMPROVEMENTS AT MCGEE PARK AS PRESENTED BY STEVEN SANDERS

BI Sanders described an improvement project in which Lowe's replaced some dugout bleachers, repaired fences, sanded and painted the concession stand, built a covered scorekeeper's area, painted the basketball court and replace the nets, and sealed the concession stand roof.

CM Butler and Mayor Pro Tem Ashton will coordinate to present a plaque and a letter of appreciation to the White Settlement Lowe's.

**No action was taken.**

**PUBLIC FORUM:**

18. 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 Holland** mentioned the 3<sup>rd</sup> fundraiser for the National MPS Society which provides research dollars for the non-profit organization. The free event will be at the Community Center on November 19, 2016 from 6-8 p.m. The event will have food and fundraising opportunities such as Christmas ornaments made by the Holland children, desserts, a live auction and a silent auction.

**CM Scott** commended PWD Smith for quickly addressing citizen concerns that he had received.

**EXECUTIVE SESSION:**

19. 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:**

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

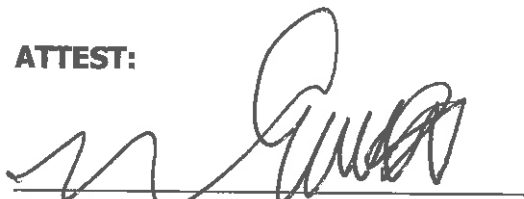
21. ADJOURN


**At 8:00 p.m. Mayor Pro Tem Ashton 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