

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 11, 2013**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
POLICE CHIEF AVIN CARTER  
FIRE CHIEF CHRIS HAWKINS  
RECORDING SECRETARY SUSAN STEWART  
CITY ATTORNEY BETSY ELAM

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 11, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Crews delivered the Invocation.

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

CM Crews led the pledges of allegiance to the United States and the Texas Flags.

**EXECUTIVE SESSION:**

18. 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: **Advice from City Attorney regarding pending or contemplated litigation on jail incident investigation**
- 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 7:01 p.m. Mayor Earwood convened the council into executive session under Section 551.071.

**RECONVENE:**

At 7:21 p.m. Council reconvened into regular session.

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken.**

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 REGULAR COUNCIL MEETING MAY 28, 2013
- B. BILLS PAYABLE FOR PERIOD ENDING JUNE11, 2013
- C. APPROVAL OF AGREEMENT WITH CHAMBER NATION
- D. APPROVAL OF NON-DISCLOSURE AGREEMENT FOR ELECTRONIC DATA WITH TARRANT REGIONAL WATER DISTRICT
- E. RATIFY PC CARTER'S RECOMMENDATION TO HIRE TAMMY ELAINE GONZALEZ AS A FULL TIME DISPATCHER IN POLICE DEPARTMENT
- F. RATIFY PC CARTER'S RECOMMENDATION TO HIRE DODI BREDE AS A PART TIME DISPATCHER IN POLICE DEPARTMENT

Mayor Pro Tem Crews requested discussion on consent agenda item C. CA Elam stated that she has reviewed the agreement and had a few questions related to Section 6.4 for CS Gregory to confirm with Chamber Nation. CS Gregory confirmed that the City would not be held liable for user's actions. CA Elam stated that her main concerns of the duties of the City and the ability to opt out of the agreement with a 30-day notice have been relieved. "Squad Pledge" was mentioned; CS Gregory confirmed that the City chose not to opt for this. CS Gregory added that the price has been confirmed as originally agreed upon.

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, E and F. 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. CONSIDER APPROVAL TO AWARD THE BID FOR THE LONG WATER MAIN LINE RENOVATION PROJECT

Bill Lohrke, E.S. & C.M. representative, recommended the low bidder, B & R Utilities, to replace the water main on Long Avenue in the amount of \$104,170. Mr. Lohrke stated that he had personally checked the reference cities and had received excellent reviews for B & R Utilities.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to award the bid for the Long water main renovation project to B & R Utilities in the amount of \$104,170. All voted "Aye."**

8. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5313 POMONA AVE AS REQUESTED BY LEVY PROPERTIES

Jimmy Lowenstein, owner of the property at 5313 Pomona, explained that a fire from a neighboring property (5401 Pomona) had damaged the siding on one exterior wall of his property. Mr. Lowenstein stated that he had obtained a permit to replace the vinyl siding but decided to upgrade the siding to hardiboard, being unaware that hardiboard was not allowed. Mr. Lowenstein requested to leave the hardiboard siding.

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve the installation of horizontal hardiboard siding at 5313 Pomona and 5401 Pomona. All voted "Aye."**

9. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5401 POMONA AVE AS REQUESTED BY RANCH HAND RESTORATION INC (GENERAL CONTRACTOR)

No discussion occurred (refer to agenda item 8).

**CM Butler moved, seconded by CM Ashton, to approve the installation of horizontal hardiboard siding at 5313 Pomona and 5401 Pomona. All voted "Aye."**

10. CONSIDER APPROVAL TO AMEND SUBSTANDARD BUILDING ORDERS ON THE PROPERTY AT 604 FRONTIER ST.

CS Gregory stated that two weeks remain for the owner to bring the property into compliance with an additional thirty days for the lien holder. CS Elam requested that the order be amended to reflect the directives given by Council at the last meeting to issue permits provided that proof of resources and materials were provided to the building inspector.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to amend the order at 604 Frontier to allow for permitting provided that proof of resources and materials are provided. All voted "Aye."**

11. CONSIDER WAIVING LIEN RECORDED AS INSTRUMENT #D210140144 DATED JUNE 11, 2010 ON THE PROPERTY AT 4837 SHERWOOD DRIVE

CS Gregory explained that city staff had brought multiple liens to the attention of the tax attorney firm who had failed to properly research for liens on the property. The tax attorney firm paid the liens due to an oversight on their part. CS Gregory requested the waiver of one lien that Tarrant County had recorded as a notice instead of a lien that did not get paid.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to waive the lien recorded as instrument #D210140144 dated June 11, 2010 on the property at 4837 Sherwood Drive.**

CM Holland expressed concern over the carelessness and negligence displayed by the tax attorney firm recently. CS Gregory stated that he had spoken to Charles Brady who has agreed to monitor the situation.

**All voted "Aye."**

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

**12. PUBLIC HEARING CONTINUED FROM MARCH 26, 2013: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 809 GUSTAV ST.**

This public hearing is continued from May 28, 2013.

Inspector Sanders reported that the plumbing has been winterized and the pool has been covered but the property remains in substandard condition. Photos were shown as Inspector Sanders described structural, electrical, and plumbing violations. Inspector Sanders affirmed that the property is feasible of repair. CA Elam offered to contact Bank of America, the lienholder, about a rehabilitation program. CS Gregory stated that the original order implies that the structures be demolished and suggested an administrative hearing to assess civil penalties be considered instead.

At 7:53 p.m. Mayor Earwood closed the public hearing.

Staff was directed to proceed with an administrative hearing to assess civil penalties.

**13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 809 GUSTAV ST. 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 formal action was taken.**

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

**14. CONSIDER APPROVAL OF RESOLUTION # 771-2013 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2012-2013 FISCAL YEAR**

BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

No discussion occurred.

**CM Holland moved, seconded by CM Crews, to approve Resolution #771-2013. All voted "Aye."**

15. CONSIDER APPROVAL OF **ORDINANCE # 984-2013** AMENDING SECTION 7.03.003 OF ARTICLE 7.01, "BUILDING SECURITY FUND", OF CHAPTER VII OF THE RIVER OAKS CODE OF ORDINANCES; BY AMENDING THE PURPOSES FOR WHICH THE MUNICIPAL COURT BUILDING SECURITY FUND MAY BE USED TO CONFORM TO STATE LAW

CA Elam explained that the legislature has amended the state statute providing additional purposes that building security funds can be used, for example a warrant officer. CA Elam added that the proposed ordinance includes a clause "for any other purpose authorized by state law" so that as the law changes, the ordinance will not have to be changed.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Ordinance #984-2013 amending Section 7.03.003 of Article 7.01. All voted "Aye."**

16. CONSIDER APPROVAL OF **ORDINANCE # 985-2013** AMENDING THE FY 2013 EDC BUDGET

No discussion occurred.

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #985-2013. All voted "Aye."**

**PUBLIC FORUM:**

17. 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**

FC Hawkins informed the Council that the ISO Review has been received and the City remains at a rating of 4 with a score of 67.87. FC Hawkins stated the he would be emailing some concerns to ISO in hopes of achieving a score of a 70 and a rating of 3.

FC Hawkins stated that one of the apparatus had to be repaired at a cost of \$6,000, which falls within the budget for vehicle maintenance. FC Hawkins added that two other vehicles are in need of repair.

CM Holland announced that the property at 1114 Oxford is on the website for sale if anyone is interested in purchasing the property.

**ADJOURN:**

20. ADJOURN

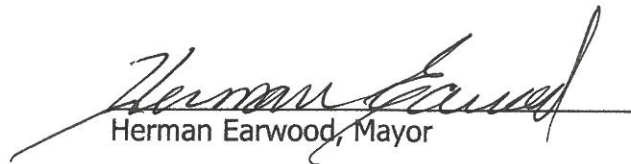
**At 8:02 p.m. CM Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

**ATTEST:**



Marvin Gregory, City Secretary

  
Herman Earwood, Mayor