

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 24, 2014**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER JOE ASHTON

**MEMBERS ABSENT:**

JOE CREWS

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
FIRE CHIEF RUSSELL SHELLEY  
POLICE CHIEF AVIN CARTER  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
BUILDING INSPECTOR STEVE SANDERS  
CODE ENFORCEMENT OFFICER JOHN PAUL JONES  
LIBRARY DIRECTOR MARY EARWOOD  
CODE ENFORCEMENT OFFICER FABIAN NEATHERY  
RECORDING SECRETARY SUSAN STEWART  
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 24, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

PWD Hatley 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 10, 2014 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING JUNE 24, 2014 (FY 2014)

C. APPROVE RESOLUTION # 802-2014 RE-ADOPTING THE GUIDELINES FOR GRANTING TAX ABATEMENTS IN REINVESTMENT ZONES PREVIOUSLY ADOPTED UNDER RESOLUTION 673-2010.

CM Holland corrected the minutes, stating that item #7 should read quitclaim deed instead of quick claim deed.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, and C, with the noted correction. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION**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 OF RESOLUTION # 801-2014 FOR SPECIAL EVENT PERMITTING IN ORDER FOR **ST. ELIZABETH'S AND CHRIST THE KING EPISCOPAL CHURCH** TO HOLD A SPECIAL EVENT ON THE CHURCH PROPERTY LOCATED AT 5910 BLACK OAK LANE**

Reverend Sandi Michels summarized the proposed event that would consist of streaming the final game of the World Cup, cooking food outdoors, and games. Ms. Michels stated that the intent is to gauge community interest in soccer. Ms. Michels added that the majority of the events would take place indoors. Council Members agreed that a resolution allowing the event is not necessary since it would primarily be held indoors. Ms. Michels requested assistance with promoting the event. City Staff will send an email notification to subscribers.

**No action was taken.**

**8. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR DONATION FUND TO PURCHASE COMPUTERS AMENDING THE 2013-2014 FY OPERATIONAL BUDGET BY ADOPTING ORDINANCE # 1028-2014**

Library Director Earwood requested to replace five computers in the library using dollar donations.

**CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #1028-2014. All voted "Aye."**

CM Holland requested that Staff contact the IT contractor and research adding a password or accepting some terms of agreement in order for patrons to utilize the WI-FI at the Library.

**9. CONSIDER APPROVAL OF THE PUBLIC WORKS REORGANIZATION PLAN AS PRESENTED BY PWD HATLEY**

PWD Hatley presented an organizational plan that would move Fabian Neathery from Code Compliance to Public Works Superintendent, Justin Woodall from sanitation driver to Code Compliance, William Greathouse to sanitation driver and fill a vacant water department position. In addition, this would assist in preparation for the possibility of three retirements in the near future.

**CM Ashton moved, seconded by Mayor Pro Tem Gordon, to approve the Public Works reorganization plan as presented by PWD Hatley. All voted "Aye."**

**10. DISCUSSION AND/OR ACTION ON COUNCIL REGISTRATION FOR TML ANNUAL CONFERENCE IN HOUSTON, SEPTEMBER 30 THROUGH OCTOBER 3, 2014**

CM Butler gave her opinion that not all council members need to attend TML every year. Mayor Earwood offered that the newly elected official's seminar is a more important option for the newest council member. CS Gregory explained that the TML registration process has changed and must be done in this budget year while hotels and other expenses can be budgeted for the new budget year. Mayor Pro Tem Gordon recommended that CM Ashton take advantage of the newly elected official's seminar as well. It was agreed that council members would be authorized to attend and each council member should contact staff prior to the deadline for registration on July 15, 2014.

**No action was taken.**

**11. CONSIDER APPROVAL OF COMMUNITY CENTER EVENTS:**

- VETERAN'S DAY DANCE ON NOVEMBER 8<sup>TH</sup> AT THE COMMUNITY CENTER

Community Center Directors requested support to host a Veteran's Day dance and dinner on November 8, 2014 to be paid in advance from the dollar donation fund.

**CM Holland moved, seconded by Mayor Pro Tem Gordon, to support a Veteran's Day Dance on November 8, 2014. All voted "Aye."**

- CITIZEN REQUEST FOR HOLDING ZUMBA DANCING CLASSES AT NO COST

Community Center Directors presented the request of a citizen to have Zumba classes at the Community Center at no cost. Council Members agreed that the class should operate as the exercise class does and should be open to the community. CS Gregory suggested that the liability waiver be used for the Zumba class.

**No formal action was taken on the Zumba dance class.**

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

**12. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 5008 SHERWOOD DR.**

At 7:54 p.m. Mayor Earwood opened the public hearing.

COE Jones showed photos and described structural, mechanical, plumbing and electrical substandard violations as well as violations of the property maintenance code. It was pointed out that the notice on the property indicates Chase as the lienholder but the title search shows

Bank of America. CA Elam requested that prior to enforcement of an order, Staff verify that notice was sent to the correct entity.

At 8:07 p.m. Mayor Earwood closed the public hearing.

**13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5008 SHERWOOD 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**

**CM Holland made the following motion, "I move that the City Council find that the Building(s) located at 5008 Sherwood Drive based on evidence presented at the hearing is substandard and: 1) that the conditions set forth in the 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 2) that the building(s) is/ are feasible of repair and therefore ORDER the Buildings 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 3) ORDER 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 and further find that 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 4) Order that 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."**

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

**14. CONSIDER APPROVAL OF ORDINANCE # 1030-2014 AMENDING ARTICLE 13.03 "WATER SYSTEM" SPECIFICALLY IN SECTION 13.03.009 "METER DEPOSITS AND OTHER FEES" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED INCORPORATING CERTAIN OTHER FEES FOR WATER SYSTEM SERVICES NOT CURRENTLY PROVIDED FOR**

CS Gregory explained that the after-hours fee has inadvertently been removed from the ordinance. Council Members discussed making the after hours reconnection cut off time 8:00 p.m. instead of 10:00 p.m. for which Staff will bring prepare an ordinance change. CS Gregory noted that the proposed ordinance also includes meter testing fees for larger meters that must be sent out for testing. Council Members agreed that the proposed \$25.00 was not sufficient to cover costs incurred when staff must reconnect services after hours.

**CM Holland moved, seconded by CM Butler, to approve Ordinance #1030-2014 with the after-hours reconnection fee set at \$75.00 in addition to the \$25 administrative fee. All voted "Aye."**

15. CONSIDER APPROVAL OF **ORDINANCE # 1031-2014** AMENDING SECTION 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES REGARDING THE DISCONNECTION AND RECONNECTION OF UTILITY SERVICES APPLICABLE ON ACCOUNT BALANCES UP TO \$25

Staff explained that web payments, drop box payments and mail payments that are received after the cut off list is generated are allowed a discretionary amount of up to \$25 is allowed to be transferred to the next bill. Staff requested this be ratified by the Council and extended to the counter paying customers as well. Council Members agreed that \$10.00 was a satisfactory amount to be allowed to transfer to the next month's bill.

**CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #1031-2014 with the requested change on account balances up to \$10.00 instead of the proposed \$25.00. All voted "Aye."**

Council gave CS Gregory the discretion to implement the effective date of this ordinance up to 60-days pending proper notification to account holders.

16. CONSIDER APPROVAL OF **ORDINANCE # 1032-2014** AMENDING THE FY 2013-2014 OPERATIONAL BUDGET IN ORDER TO OFFSET THE EXPENDITURE OF COMMUNITY CENTER DOLLAR FUNDS APPROVED AT THE JUNE 10, 2014 COUNCIL MEETING FOR THE ALL AMERICAN FESTIVAL

No discussion occurred.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance #1032-2014. All voted "Aye."**

17. CONSIDER APPROVAL OF **ORDINANCE # 1033-2014** AMENDING THE FY 2013-2014 OPERATIONAL BUDGET IN ORDER TO OFFSET THE EXPENDITURE OF COURT TECHNOLOGY FUNDS APPROVED AT THE JUNE 10, 2014 COUNCIL MEETING FOR THE COURT

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #1033-2014. All voted "Aye."**

#### **STAFF REPORTS:**

#### **18. STAFF REPORT ON SUBSTANDARD PROPERTIES:**

- 604 FRONTIER - No progress. Still under Council Orders with civil penalties.
- 933 CARONDOLET – Substandard fee has been paid. Owner has obtained a contractor who is making progress. Citizen Karen Cosgrove asked if the contractor is legitimate. Staff replied that the building contractor is not required to be registered with the City. Mayor Earwood directed Staff to board up the property as directed by the Council if compliance is not met by the deadline of July 1, 2014.

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

**None.**

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

**None.**

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.

**None.**

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.

**None.**

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

**None.**

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

**None.**

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

**CM Holland** asked if sales tax is still strong. Mayor Earwood confirmed that sales tax remains strong.

**Mayor Earwood** announced that a potential new business is interested in the corner of Long Avenue and River Oaks Boulevard.

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

**None.**

29. **MARKETING ACTIVITIES REPORT FROM MUNDO AND ASSOCIATES** INCLUDING BUSINESS RETENTION AND EXPANSION, MARKETING FOR NEW DEVELOPMENT, SHOP RIVER OAKS TEXAS, FACEBOOK AND TWITTER ACCOUNTS.

**None.**

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

**None.**

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

**None.**

**PUBLIC FORUM:**

32. 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 Butler** mentioned a fundraiser at Artful Village for Steve Sanders on Saturday.

**CM Holland** gave a reminder of the All American Celebration on Saturday.

**CM Holland** stated that the annual MPS Run in October may be moved to Camp Carter.

**EXECUTIVE SESSION:**

33. 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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.

- Section 551.076 Deliberation regarding security devices

**None called for.**

**RECONVENE:**

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

35. ADJOURN

**At 9:03 p.m. Mayor Pro Tem Gordon, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

**ATTEST:**

  
Marvin Gregory, City Secretary

  
Herman Earwood, Mayor