

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 12, 2014**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS

MEMBERS ABSENT:

MAYOR PRO TEM STEVE HOLLAND (OUT OF TOWN)

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, August 12, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

The Invocation was delivered.

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

The Pledges of allegiance to the United States and the Texas Flags were recited.

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 22, 2014 COUNCIL MEETING
- B. MINUTES OF JULY 28, 2014 SPECIAL COUNCIL MEETING
- C. BILLS PAYABLE FOR PERIOD ENDING AUGUST 12, 2014 (FY 2014)
- D. APPROVAL OF AGREEMENT RENEWAL WITH CUMMINS SOUTHERN PLAINS FOR CITY GENERATORS FOR PLANNED MAINTENANCE
- E. RESIGNATION OF KELLY HOOPER IN THE PUBLIC WORKS DEPT.

CM Butler moved, seconded by CM Gordon, to approve consent agenda items A, B, C, D, and E. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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 REQUEST BY ERIC SIMMONS AT 1728 MELBA COURT TO ADJUST JUNE 2014 WATER BILL DUE TO LEAK.

Eric Simmons, 1305 Smilax, requested his water bill be reduced to match his past highest bill. He explained that the water department had detected a leak on his rental property that lead to a large water bill. Council members mentioned that this request has been made several times and no allowances have previously been made.

CM Gordon moved, seconded by CM Butler, to deny the request of Eric Simmons at 1728 Melba Court to adjust the June 2014 water bill. All voted "Aye."

8. CONSIDER APPROVAL TO WAIVE THE REQUIREMENT FOR INDIVIDUAL SERVICE CONNECTION PURSUANT TO SECTION 13.03.005(a) OF THE RIVER OAKS CODE PERTAINING TO REQUIRING SEPARATE WATER METERS FOR 5518 RIVER OAKS BLVD. BEING DIVIDED INTO TWO UNITS

CS Gregory explained that the property owner has an active building permit to separate the unit into two retail units. Gregory added that the owner is requesting that the requirement that each unit have an individual water meter be waived.

Karl Klements, property owner, verified that he will leave the water account in his name and incorporate the charges into the lease with tenants.

CS Gregory stated that if the request is approved the water account will reflect a two unit charge.

CM Gordon moved, seconded by CM Ashton, to waive the requirement for individual service connection pursuant to Section 13.03.005(a) of the River Oaks Code pertaining to requiring separate water meters for 5518 River Oaks Blvd. being divided into two units and that this single tap allowance is only for the existing property owner and should the ownership change the new owner must bring a request back to the City Council. All voted "Aye."

9. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATION FUND TO RENOVATE THE LION'S TRIANGLE AT THE INTERSECTION OF ROBERTS CUT OFF AND OHIO GARDEN AMENDING THE 2013-2014 FY OPERATIONAL BUDGET BY ADOPTING **ORDINANCE # 1029-2014**

David Ballard, Park Board Vice-Chair, presented a PowerPoint describing the request of the Park Board to improve Lion's Triangle. The improvements would include trimming the existing plants and grass, installing weed barrier fabric, red yucca, salvia, and jasmine. Mayor Earwood requested the Park Board work with PC Carter to insure that the improvements do not create a site visibility issue. The cost of the improvements are estimated to be \$2,000.

CM Ashton moved, seconded by CM Butler, to approve up to \$2,000 from the Park Dollar Donation Fund to renovate the Lion's Triangle at the intersection of Roberts Cut Off and Ohio Garden. All voted "Aye."

10. CONSIDER APPROVAL OF CONTRACTING WITH TARRANT COUNTY PRECINCT 4 FOR STREET IMPROVEMENTS IN FISCAL YEAR 2015

PWD Hatley proposed the streets of Byrd, Churchill and Arc for the street project for the Tarrant County street improvement project.

CM Gordon moved, seconded by CM Ashton, to approve contracting with Tarrant County Precinct 4 for street improvements in fiscal year 2015 as submitted by the Public Works Director. All voted "Aye."

11. CONSIDER APPROVAL FOR EMERGENCY PIPEBURSTING OF THE SEWER LINE IN THE 5000-5100 BLOCKS OF PENROD CT.

PWD Hatley stated that the sewer line in the 5000-5100 blocks of Penrod has collapsed and must be pipe burst immediately. The cost is expected to be \$44,235.

CM Gordon moved, seconded by CM Ashton, to approve the emergency pipebursting of the sewer line in the 5000-5100 blocks of Penrod Court, contracting with DigTec, in the amount of \$44,235. All voted "Aye."

12. CONSIDER APPROVAL TO AMEND THE PUBLIC WORKS ORGANIZATIONAL CHART

PWD Hatley presented a reorganization of the Public Works Department due to the retirement of some employees that will reduce the total number of employees from 21 to 19.

CM Scott moved, seconded by CM Gordon, to approve the organizational chart as presented by the Public Works Director. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING CONTINUED FROM JULY 22, 2014: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 817 WALTER DR.

[Mayor Earwood announced that the public hearing is continued from July 22, 2014.]

Inspector Sanders requested that no action be taken at this time to allow the bank that recently took possession to formulate a plan of action and hire a contractor to perform the repairs.

Sanders reported that property has been cleaned up on the exterior, the roof has been patched temporarily and the dead tree has been removed from the roof.

[Mayor Earwood announced that this public hearing would remain open and be continued on September 9, 2014 at 7:00 p.m.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **817 WALTER 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.

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF **RESOLUTION # 805-2014** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE)

CS Gregory reported no changes to the policy which is required to be reviewed annually.

CM Gordon moved, seconded by CM Ashton, to approve Resolution #805-2014. All voted "Aye."

PUBLIC FORUM:

16. 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 the Park Board and requested that the Eagle Scout who originally did the project be notified about the upgrades and thanked for the original project.

CS Gregory announced that the 1st public hearing for the tax rate is scheduled for next Tuesday at 7:00 p.m.

CM Scott requested that the meter reader who found the leak that was mentioned in agenda item #7 be recognized for noticing the leak.

Mayor Earwood mentioned the Jam Session at the Community Center on Thursdays.

EXECUTIVE SESSION:

17. 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:

18. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

19. ADJOURN

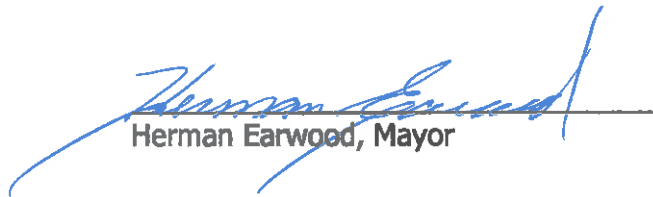
At 7:46 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor