

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
NOVEMBER 26, 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  
POLICE CHIEF AVIN CARTER  
FIRE CHIEF CHRIS HAWKINS  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
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 26, 2013 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) 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.

A. MINUTES OF NOVEMBER 12, 2013 COUNCIL MEETING

B. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 26, 2013 (FY 2014)

C. APPROVAL OF AGREEMENT WITH ALLIED COMPLIANCE SERVICE FOR DRUG AND ALCOHOL TESTING.

D. APPROVAL OF RESIGNATION OF FAUSTINO LABRA AS A HEAVY EQUIPMENT OPERATOR

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, and D. All voted "Aye."**

6. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

None.

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

7. CONSIDER APPROVAL OF REQUEST FROM JOHN E. MANNERS AT 1150 GLENWICK NOT TO BE CHARGED A \$25 ADMINISTRATIVE FEE FOR ACCOUNTS SUBJECT TO DISCONNECTION OF WATER SERVICE

John Manners, 1150 Glenwick, was present to request additional time to pay the \$25.00 administrative fee that was assessed to his water account. Mr. Manners stated that the fee was assessed even though his water was not disconnected.

Mayor Earwood explained that the fee is assessed to every delinquent account when the bill is not paid within the 25 days as allotted by ordinance.

Mr. Manners was directed to contact CS Gregory on Monday or Tuesday of next week to make arrangements to pay the \$25 over an extended period of time if necessary.

**No formal action was taken.**

8. CONSIDER APPROVAL TO REAPPOINT ANDREW VOGEL AS THE MUNICIPAL COURT JUDGE PURSUANT TO SECTION 7.02.003 OF THE RIVER OAKS CODE OF ORDINANCES

No discussion occurred.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance #1011-2013 appointing the municipal court judge as Andrew Vogel. All voted "Aye."**

9. ANTI-BRIBERY OATH OF APPOINTED OFFICER AND OATH OF OFFICE FOR MUNICIPAL COURT JUDGE

CS Gregory administered the oaths to Andrew Vogel, municipal judge.

**No formal action was taken.**

10. PRESENTATION BY DAN KESSLER, ASSISTANT DIRECTOR OF TRANSPORTATION, OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS REGARDING THE LOCAL AND REGIONAL STUDY RECOMMENDATION FROM THE PLMC PLANNING STUDIES

Dan Kessler and Kendall Wendling, NCTCOG, presented a PowerPoint slide show on the key regional and local recommendations from the PLMC process. A resolution was presented that supports the regional recommendations from the studies.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, and C, D and E as presented. All voted "Aye."**

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

**No action was taken.**

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

7. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5520 NORTH SCHILDER AS REQUESTED BY SHLOMARA GILES

A representative was not present.

CS Gregory and Code Officer Jones presented the request to install hardiboard horizontally on the back portion of the house.

**CM Holland moved, seconded by CM Ashton, to approve the request. All voted "Aye."**

8. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 1801 YALE STREET AS REQUESTED BY MICHAEL BLASDEL

Michael Blasdel, 1801 Yale, requested to install hardiboard on an enclosed porch addition to the rear of this rental property. The hardiboard will be installed vertically as that is the intended use of this type of hardiboard.

**CM Holland moved, seconded by CM Ashton, to approve the request. All voted "Aye."**

9. CONSIDER APPROVAL OF REQUEST FROM LYSA TO WAIVE RENTAL FEES IN ORDER TO RESERVE THE COMMUNITY CENTER FOR THE END OF THE YEAR PARTY

Veronica Cabral, LYSA Cheer Commissioner, requested use of the community center on November 23, 2013 at no cost to host an end of the year party for the cheerleaders.

**CM Holland moved, seconded by CM Ashton, to approve the request.**

Ms. Cabral responded to an inquiry, stating that the event would be on November 23, 2013 from 12-4 p.m. Claudia Wheat stated that Shirley Wheat could be the monitor for the event. CS Gregory verified that Ms. Wheat is a salaried employee and therefore could monitor the event without additional cost to the applicant or the City.

**All voted "Aye."**

**Refer to agenda item 11, Resolution #786-2013, for formal action taken.**

11. CONSIDER APPROVAL OF **RESOLUTION # 786-2013** SUPPORTING KEY REGIONAL INITIATIVES IN THE PLANNING LIVABLE MILITARY COMMUNITIES REGIONAL VISION REPORT

**Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #786-2013. All voted "Aye."**

12. DISCUSSION AND/OR ACTION ON UPCOMING COMMUNITY CENTER EVENTS:

- i. QUARTER AUCTION – This event will be held on December 10<sup>th</sup> with the proceeds used to provide warm clothing to those in need in the community.
- ii. PARADE OF LIGHTS – This event is Friday November 29, 2013 at 6:00 p.m.
- iii. CITY CHRISTMAS PARADE – There are 17 paid entries thus far that have committed to the City Christmas Parade.

**No formal action was taken.**

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

13. CONSIDER APPROVAL OF **ORDINANCE # 1010-2013** AMENDING ARTICLE 5.08 "FIREWORKS" PURSUANT TO HOUSE BILL 1813

The proposed ordinance is cohesive with recent state legislative changes related to the confiscation of fireworks and citations issued for possession of fireworks. The ordinance also includes public fireworks shows.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Ordinance #1010-2013. All voted "Aye."**

**STAFF REPORTS:**

14. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

Code Officer Jones gave the following updates:

- 809 GUSTAV – HUD contacted staff and stated that the property will remain a bank owned property until the violations are abated.
- 604 FRONTIER ST. – No change and no contact.
- 933 CARONDOLET – No contact from owner, this property will be presented to the Council in December for administrative penalties.

- 5016 WHITE OAK LANE – continual progress. Should pay the substandard fee after December 1, 2013.

**15. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 1223 ROBERTS CUT OFF RD. – Staff is waiting for engineering plans for the roof system. The permits may need to be extended.
- 1029 YALE ST. – Demo permit obtained that expires February 7, 2014.
- 1450 GREENBRIER – Demo permit obtained that expires December 22, 2013.
- 603 OAKLAWN – A representative for the owner has contacted staff and is aware that a plan of action is required.

**No action was taken.**

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

16. POLICE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED

**No discussion or action.**

17. FIRE DEPARTMENT REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

**No discussion or action.**

18. INSPECTIONS AND CODE COMPLIANCE MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED

**No discussion or action.**

19. LIBRARY MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE

**No discussion or action.**

20. 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 or action.**

21. PUBLIC WORKS MONTHLY 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 or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

**PUBLIC FORUM:**

29. 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** pointed out that the new owner of the "River Oaks Flooring" building has painted the awning which may be in violation of the "BIG" program agreement.

**Mayor Pro Tem Gordon** announced the Christmas Parade on December 14, 2013 at 6:30 p.m. and the "Fun Run" on December 14, 2013 at 5:00 p.m. both beginning at the Community Center.

**PC Carter** stated that the stop sign at Tulane and Merritt has been replaced in the correct position.

**PC Carter** stated that the area on Meandering Road near Yale is no longer a school zone and was never adopted by ordinance.

**Mayor Earwood** asked that those signed up for the annual employee Christmas Dinner alert staff if they are unable to honor their RSVP.

**Mayor Earwood** introduced Sandy Michaels, priest at St. Elizabeth's Church on Black Oak Lane.

**EXECUTIVE SESSION:**

30. 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:**

31. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

32. ADJOURN

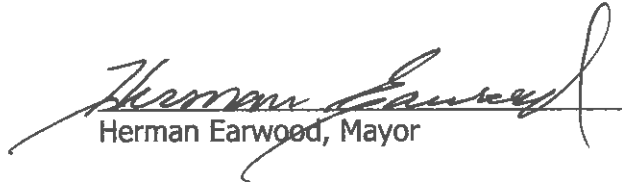
**At 8:34 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

**ATTEST:**



Marvin Gregory, City Secretary



Herman Earwood, Mayor