

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 22, 2013**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
CITY ATTORNEY BETSY ELAM  
CODE INSPECTOR STEVE SANDERS  
CODE COMPLIANCE JOHN PAUL JONES  
FIRE CHIEF CHRIS HAWKINS  
POLICE CHIEF AVIN CARTER  
RECORDING SECRETARY CELINA MORENO

**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, October 22, 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.

**4. READING OF PROCLAMATION(S) BY MAYOR:**

- PROCLAIM OCT.28<sup>TH</sup> THROUGH NOV 1<sup>ST</sup> AS RED RIBBON WEEK

Mayor Earwood read Red Ribbon Week Proclamation.

**5. SERVICE RECOGNITION AS PRESENTED BY THE FIRE DEPARTMENT.**

Fire Chief Hawkins recognized Officer Rios and Officer Nance for their heroic act on Oct 4<sup>th</sup> when the house on 1029 Yale St. caught fire. They pulled a resident out of the burning house after she fell on the kitchen floor.

PC Carter also introduced Robert Moore as the newest officer on the force. Officer Moore is highly certified and is a training officer.

**6. 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 OCTOBER 8, 2013 COUNCIL MEETING
- B. MINUTES OF OCTOBER 15, 2013 TOWN HALL MEETING
- C. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2013 (FY2013)
- D. BILLS PAYABLE FOR PERIOD OCTOBER 1 TO OCTOBER 22, 2013 (FY2014)

Mayor Pro Tem Gordon stated that staff was notified of a couple corrections needed on minutes.

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**None.**

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

8. CONSIDER APPROVAL OF **RESOLUTION # 781-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR ARELLANO'S EMBROIDERY TO HOLD A FUNDRAISER AT 5153 RIVER OAKS BLVD.

Carmen Arellano stated she is planning a fundraiser in order to raise funds for a cancer patient who has passed away. The event will be held on the back side of the business in order to not interfere with River Oaks Boulevard traffic or parking.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton to approve Resolution # 781-2013. All voted "Aye"**

9. CONSIDER APPROVAL OF **RESOLUTION # 782-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR RIVER OAKS CHRISTIAN CHURCH AT 5613 MEANDERING TO HOLD A FALL FESTIVAL ON OCTOBER 26, 2013.

Cheryl Richardson stated their plans are for a Fall Festival on October 26, 2013 from 11am – 5pm at 5613 Meandering Rd.

Traffic and parking plan will be presented and approved by the Police Chief prior to the event.

**CM Butler moved, seconded by Mayor Pro Tem Gordon to approve Resolution # 782-2013. All voted "Aye"**

10. CONSIDER APPROVAL OF **RESOLUTION # 783-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR CISD TO HOLD ITS 2<sup>ND</sup> ANNUAL TURKEY TROT AND TO BLOCK STREETS SURROUNDING CASTLEBERRY ELEMENTARY SCHOOL.

Michael Jenkins from Castleberry Elementary presented the plan for an Annual Turkey Trot which will be held 11/09/2013 from 9am – 11am. He requested the streets surrounding the school to be closed during that time and he explained that all canned food donations will benefit the local food banks.

**Mayor Pro Tem Gordon moved, seconded by CM Butler to approve Resolution # 783-2013. All voted "Aye"**

11. CONSIDER APPROVAL OF **RESOLUTION # 784-2013** FOR SPECIAL EVENT PERMITTING IN ORDER FOR GIGGLES THERAPY TO HOLD A FALL FESTIVAL AT 905 ROBERTS CUT OFF RD. ON OCTOBER 29TH

Susan Broomhall requested to hold a Fall Festival on October 29, 2013 at 905 Roberts Cut Off Road from 5:00pm – 7:30 pm.

CM Crews asked if it would be open to the community. Susan Broomhall stated yes it will be open to the community and encourages all to attend. CM Crews expressed concern over the traffic on Roberts Cut Off Rd and suggested they use the back access to the property from Cody Court to alleviate some of the traffic.

**CM Butler moved, seconded by Mayor Pro Tem Gordon to approve Resolution # 784-2013. All voted "Aye"**

12. CITIZEN APPEARANCE OF AMELIA GALLARDO AT 4500 ALMENA RD. REQUESTING APPROVAL OF AN ADDITIONAL WATER BILL PAYMENT ARRANGEMENT.

Amelia Gallardo requested a 5<sup>th</sup> payment arrangement due to the water leaks in the recent weeks at her home. She explained that she is new to the area and a 1<sup>st</sup> time home buyer and due to the water leaks she has fallen into a financial hardship.

CM Holland asked if the four payment arrangement had been due to the water leaks. Amelia stated it was and that due to the water leaks she has had to use all four of her payment arrangements for 2013.

**CM Holland moved, seconded by CM Crews to approve to extend a 5<sup>th</sup> payment arrangement. All voted "Aye"**

13. CONSIDER APPROVAL TO WAIVE LIENS ON PROPERTIES DESCRIBED AS BEING A PORTION OF BLOCK 24, LOTS 25 & 33, RIVER OAKS ADDITION.

CS Gregory stated that 4900 Ohio Garden and 4847 River Oaks Blvd are both separated platted properties that are both under one owner however, when the City filed these liens back in 2001 and 2002 they were filed together, which in the event of sale to separate owners it would create a problem in assessing the actual amount of the lien on each property. Staff is recommending waiving the liens in the amount of \$860 plus interest since the city improperly filed the liens.

City Attorney Elam stated that the liens are valid.

CM Holland asked if the City could just divide the lien in half. City Attorney Elam felt that they could be equally split. Council wanted more information before waiving the liens.

**No action taken.**

14. CONSIDER APPROVAL OF RECOMMENDATION FROM PARKS BOARD REGARDING THE REPAIRS TO HERITAGE PARK AS PRESENTED BY CHAIRMAN MAKARWICH.

**CM Crews moved, seconded Mayor Pro Tem Gordon to approve recommendation from park board regarding the repairs to Heritage Park as presented by Chairman Makarwich. All voted "Aye"**

15. DISCUSSION AND/OR ACTION ON SPECIAL OUTSIDE EVENT PERMITTING AS PROVIDED FOR IN SECTION 19E OF THE ZONING ORDINANCE.

CM Crews stated he liked CS Gregory's suggestion of placing request on consent agenda and unless council has a question and wants them removed from the consent agenda for further consideration.

Mayor Pro Tem Gordon commented that if they are placed in consent agenda they should include enough details. CM Crews stated that this is being considered due to the time it takes CS Gregory to create the resolutions, but since the ordinance is explicit about council having to approve all outside events by Resolution, they still would have to be considered and approved by council.

Mayor Earwood suggested no action be taken until council is absolutely sure of what is wanted. Council left it that the procedure for approving Special Events would have to remain as is at least for now.

**No action taken.**

16. CONSIDER APPROVAL OF EXPENDING FUNDS FOR FLU SHOTS FOR EMPLOYEES AS A PART OF WELLNESS INITIATIVE.

CS Gregory stated that the suggestion would be if the council desires to continue paying for the part time employees and firemen, they could have them go to Spence Pharmacy and they will bill the City or those employees can get the shots elsewhere if they have Medicare or Medicaid plans. CS Gregory stated that the cost is \$25 per shot and we have the funds budgeted. Full time employees can go to CVS and the cost can be filed under their health insurance.

**Mayor Pro Tem Gordon moved, seconded by CM Crews to approve expending funds for part time and fire department to receive flu shots. All voted "Aye"**

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

17. CONSIDER APPROVAL OF **ORDINANCE NO. 1006-2013** AMENDING ARTICLE 13.02 "UTILITY POLICY" DIVISION 4 "SANITATION COLLECTION POLICY" OF THE RIVER OAKS CODE OF ORDINANCES THAT INCORPORATED SECTION 13.02.113 "POLICIES" (8) "CURB-SIDE RECYCLING" BY REPEALING ORDINANCE 1004-2013 AS ADOPTED ON SEPTEMBER 24, 2013

No discussion.

**Mayor Pro Tem Gordon moved, seconded by Butler to approve Ordinance No. 1006-2013. All voted "Aye"**

18. CONSIDER APPROVAL OF **ORDINANCE NO. 1007-2013** ADOPTING THE 2011 EDITION OF THE NATIONAL ELECTRIC CODE (NEC) AND LOCAL AMENDMENTS.

No discussion.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton to approve Ordinance No. 1007-2013. All voted "Aye"**

19. CONSIDER APPROVAL OF **ORDINANCE NO. 1008-2013** AMENDING ARTICLE 3.07 "SUBSTANDARD AND DANGEROUS BUILDING", SECTION 3.07.015 "INSPECTIONS WHEN BUILDINGS ARE VACATED", REVISING SECTION 3.07.015 (b) "REQUIREMENTS FOR A CERTIFICATE OF OCCUPANCY" REVISING THE RESIDENTIAL AND COMMERCIAL CERTIFICATE OF OCCUPANCY CHECKLISTS.

CM Crews requested an explanation on double locks and are they required by code? Code Inspector Sanders stated that yes they are required.

CS Gregory stated that a provision could be added to the ordinance; "for substandard only". CM Holland asked CS Gregory to research the code and if possible revise the wording in the ordinance regarding double door lock assemblies.

Mayor Earwood stated that the objective should be to maintain a safe environment in the city.

**Mayor Pro Tem Gordon moved, seconded by CM Crews to approve Ordinance No. 1008-2013 with changes that were mentioned. All voted "Aye"**

20. CONSIDER APPROVAL OF **ORDINANCE NO. 1009-2013** AMENDING ARTICLE 3.12 "SIGNS" SPECIFICALLY UNDER SECTION 3.12.083 "ATTACHED SIGNS" AND 3.12.086 "POLE SIGNS" PROVIDING EXCEPTIONS FOR NATIONALLY RECOGNIZED FRANCHISES.

CM Crews suggested to add the wording used regarding noise and height levels regarding air traffic due to the base being so close to the city.

**CM Butler moved, seconded by Mayor Pro Tem Gordon to approve Ordinance No. 1009-2013 with addition of verbiage needed in order to be in compliance with surrounding area and base. All voted "Aye"**

**STAFF REPORTS:**

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

- 809 GUSTAV – HUD property.
- 604 FRONTIER ST. – Bank is trying to foreclose. City will mow the property next week.
- 933 CARONDOLET – No inspections have been made but they did clean inside the house.
- 5016 WHITE OAK LANE – Owner has baited the property for rodents. Furniture has been removed. The broken window has been replaced. The boat will sell soon and be removed.

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

- 1463 LONG – Will be removing this from substandard list.
- 5401 POMONA – Owner is battling with Insurance Company.
- 1223 ROBERTS CUT OFF RD. – Atmos Energy is supposed to come out and remove gas pipes.
- 1029 YALE ST. – Owner is battling with Insurance Company.

**23. REPORT OF PROPERTIES RELEASED FROM SUBSTANDARD:**

- 1221 ROBERTS CUT OFF RD. – Still in process of cleaning, they will put in a new roof.
- 500 FRONTIER ST. – has been brought up to code.

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

**24. POLICE DEPT. MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.**

Police Chief Carter announced that MADD (Mothers against Drunk Drivers) will be at Ridgemar Mall. Most people going have been victimized by DWI drivers. He announced that pulling over on the side of the road for any reason is extremely dangerous and he encouraged us to let friends and family know to not pull over on the side but instead get off of the road completely.

CM Holland acknowledged that the Police Department has over four hundred 911 calls and was wondering what those were mostly for. Police Chief Carter stated most of those calls were non-emergency calls.

**25. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE.**

Fire Chief Hawkins stated that an unexpected \$1500 repair to the Fire Engine is needed. Fire Chief Hawkins also announced that January 6<sup>th</sup> 2014 is his planned retirement date after 28 years of service with the City of River Oaks.

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

**No Discussion.**

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

**No Discussion.**

**28. 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.**

**29. PUBLIC WORKS ACTIVITY REPORTS 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.**

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

**No Discussion.**

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



**No Discussion.**

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

**No discussion.**

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

**No discussion.**

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

**No discussion.**

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

**No discussion.**

**PUBLIC FORUM:**

36. 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 EXITING POLICY ON THAT ISSUE, OR DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. **NO COUNCIL DELIBERATION IS PERMITTED**

**EXECUTIVE SESSION:**

37. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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 possible litigation on



substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena Rd.

- 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, evacuation, 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:**

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

39. ADJOURNMENT

Nancy Crews announced that on Monday October 28<sup>th</sup> at 1:30 pm all CISD Schools will release balloons for Red Ribbon Week (drug awareness) they would like to see a member of the council at each of the campuses.

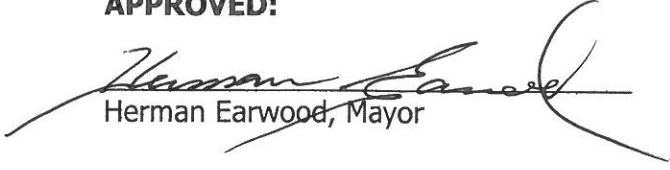
CM Holland invited everyone to the MPS Run For Their Lives event on November 2<sup>nd</sup> at 4201 Barbara RD.; east end of Barbara at Trinity Trails at 9:30 am.

Mayor Earwood announced that the High School Band is requesting items for the Troops and encouraged everyone to donate.


He also announced that of the three pending legal actions against the City, two have been resolved in favor and one is still pending.

**At 9:04 p.m. CM Holland moved, seconded by Mayor Pro Tem Gordon to adjourn the meeting. All voted "Aye"**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary