

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JULY 23, 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  
BUILDING INSPECTOR STEVE SANDERS  
ASSISTANT CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
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, July 23, 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 COUNCIL MEETINGS JULY 9 , 2013 & JULY 16, 2013

B. BILLS PAYABLE FOR PERIOD ENDING JULY 23, 2013

C. RATIFY RESIGNATION OF TERRY SARGENT, BUILDING MAINTENANCE

D. RATIFY TERMINATION OF ADMINISTRATIVE ASSISTANT I EMPLOYEE

E. APPROVAL OF 3<sup>RD</sup> QUARTER FY 2013 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT.

F. APPROVAL OF 3<sup>RD</sup> QUARTER FY 2013 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT.

G. APPROVAL OF 3<sup>RD</sup> QUARTER FY 2013 INVESTMENT REPORT

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, E, F, and G. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 AMENDING THE SUBSTANDARD BUILDING ORDER AT 604 FRONTIER SCHEDULING AN ADMINISTRATIVE HEARING ASSESSING CIVIL PENALTIES

Inspector Sanders reported no inspections and no progress has been made.

CA Elam stated that the property is still recorded as a homestead. CA Elam added that the civil penalty process could be started and include a statement that if the property loses the homestead status then the penalty could increase to another amount permitted for non-homestead properties.

CM Crews inquired about the current order that includes the authority demolish the property although was reported as feasible to repair. CA Elam replied that the order allows for demolition but does not require it.

Staff will proceed with notification of a public hearing to assess civil penalties.

**No formal action was taken.**

8. DISCUSSION AND/OR ACTION ON PURCHASING CAMERA SURVEILLANCE SYSTEM FOR MCGEE AND WOOLDRIDGE PARKS AS PRESENTED BY NORMA CUMBERLEDGE OF THE PARK BOARD.

CS Gregory reported that this agenda item would be presented after further research.

**No action was taken.**

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

9. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED **SPECIFIC USE PERMIT** IN A "C-2" COMMERCIAL ZONING DISTRICT FOR CVS PHARMACY # 7678 LOCATED AT 5301 RIVER OAKS BLVD. IN ORDER TO SELL *ALCOHOLIC BEVERAGES (BEER & WINE)* FOR OFF-PREMISE CONSUMPTION IN ACCORDANCE TO SECTION 23A.G. # 3 OF CITY ZONING ORDINANCE # 920-2012 AS AMENDED. (**ZONING CASE # PZ 2013-02**)

At 7:07 p.m. Mayor Earwood opened the public hearing.

Curtis Bell, District Manager for CVS, was present to request the sale of alcohol (beer and wine) for off-premise consumption.

Mayor Earwood informed Mr. Bell that signs promoting the sale of alcohol may not be visible from the public right of way.

CS Gregory stated that Harris permitting has not received an application from CVS as required by TABC regulations. CS Gregory relayed the parking requirement according to the zoning ordinance that states one parking space is required for every 100 square feet of floor space. In this case the building is 11,200 square feet which would require 112 parking spaces. Inspector Sanders reported the availability of 87 parking spaces at this location. CS Gregory reported all other specific use permit requirements are met. CS Gregory relayed the recommendation of the Planning and Zoning Commission as follows: 1) must meet all TABC permitting requirements for alcoholic beverage sales; 2) meet parking requirements; and 3) alcohol sales prohibited through the drive thru window. Mr. Bell assured the Council that only pharmacy items would be sold through the drive-thru.

At 7:17 p.m. Mayor Earwood closed the public hearing.

**10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED SPECIFIC USE PERMIT IN A "C-2" COMMERCIAL ZONING DISTRICT FOR CVS PHARMACY # 7678 LOCATED AT 5301 RIVER OAKS BLVD. IN ORDER TO SELL ALCOHOLIC BEVERAGES (BEER & WINE) FOR OFF-PREMISE CONSUMPTION IN ACCORDANCE TO SECTION 23A.G. # 3 OF CITY ZONING ORDINANCE # 920-2012 AS AMENDED. (ZONING CASE PZ 2013-02)**

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the specific use permit for CVS Pharmacy located at 5301 River Oaks Boulevard subject to: 1) the sale of alcoholic beverages not be conducted through the drive-thru; 2) all TABC requirements are met and permitting obtained; and 3) waiving the additional parking requirements. CM Butler, CM Crews, CM Ashton, and Mayor Pro Tem Gordon voted "Aye." CM Holland voted "Nay." Motion passes.**

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

**11. CONSIDER APPROVAL OF RESOLUTION # ~~773-2013~~ #774-2013 BY REVIEWING AND UPDATING THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY ANNUALLY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE) OF THE CITY OF RIVER OAKS**

CS Gregory presented the investment policy which has been updated according to statute requirements and reviewed by the City Attorney.

**Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Ordinance #774-2013. All voted "Aye."**

**12. CONSIDER APPROVAL OF ORDINANCE NO. 989-2013 AMENDING ORDINANCE 875-2011 PURSUANT TO SECTION 12.08 "OFFICIAL BOND FOR APPOINTED OFFICERS" REQUIRING BONDING OF EMPLOYEES WHOSE DUTIES PERTAIN TO CASH HANDLING**

CS Gregory suggested that all employees who handle money be bonded for a minimum of \$15,000 each at a cost of approximately \$25 each. Council members requested that Staff research bonding the employees at increments of \$25,000, \$50,000 and \$100,000.

**No action was taken.**

**STAFF REPORTS:**

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

Inspector Sanders gave the following updates:

- 809 GUSTAV – This property may be transferring to HUD. Staff issued a stop work order for working without a permit. No additional contact from the contractor has been received.
- 604 FRONTIER ST. – This property was discussed under agenda item 7.

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

- 1463 LONG – The owner has paid the substandard fee and obtained a permit that expires September 17, 2013
- 5401 POMONA – This property sustained fire damage and has active permits that expire October 24, 2013.
- 5612 N. SCHILDER – An electrical permit has been issued that expires August 11, 2013.
- 1221 & 1223 ROBERTS CUT OFF RD. – This property is expected to have a new owner by August 1, 2013.
- 500 FRONTIER – Permits have been obtained that expire September 28, 2013. No inspections to report.
- 5016 WHITE OAK – No contact from the owners and no permits have been issued.

**No action was taken.**

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

15. 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

**PC Carter** reported that Dispatcher Sandra delivered her baby three months prematurely.

**PC Carter** reported an increase in citations for last month.

**PC Carter** responded to an inquiry about the animal shelter situation, stating that the best future solution is to build a shelter in order to limit liability.

**PC Carter** reported accepting applicants for one more patrol position.

**No action was taken.**

**16. FIRE DEPARTMENT REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

**No discussion or action.**

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

**Code Officer Jones** reported that house numbers remain in the top three violations.

Discussion occurred related to dead trees and tree obstructions.

**Mayor Pro Tem Gordon** requested the property at Nancy Lane and Amherst be investigated for possible yard parking surrounded by high grass.

**No action was taken.**

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

**No discussion or action.**

**19. 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.**

**20. 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.**

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

**No discussion or action.**

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

**No discussion or action.**

**23. 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.**

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

**No discussion or action.**

**25. 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.**

**26. 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

**None.**

**WORKSHOP/PLANNING/DISCUSSION:**

**27. WORKSHOP: FY 2014 OPERATIONAL BUDGET**

CS Gregory reported that the changes requested have been incorporated. CS Gregory reported that the franchise fees were calculated and replaced with more realistic values. CS Gregory stated that Staff will update the budget worksheets once the tax rate information is available later this week.

CM Holland stated that he has requested separate worksheets for restricted funds, such as court technology, in order to increase awareness and avoid confusion.



28. ACTION, IF ANY, FROM WORKSHOP

**No action was taken.**

**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

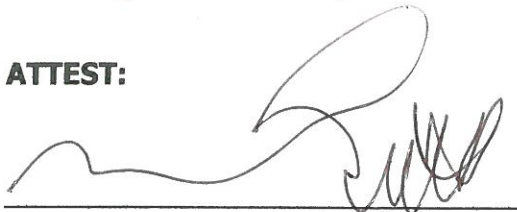
**None.**

**ADJOURN:**

32. ADJOURN

**At 7:55 p.m. Mayor Pro Tem Gordon moved, seconded by CM Crews, to adjourn the meeting. All voted "Aye."**

**ATTEST:**



Marvin Gregory, City Secretary

**APPROVED:**

  
JoAnn Gordon, Mayor Pro Tem