

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JUNE 26, 2018**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM STEVE HOLLAND  
COUNCIL MEMBER JOE ASHTON  
COUNCIL MEMBER DAN CHISHOLM  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER BRUCE SCOTT

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
ASST CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHRIS SPIELDENNER  
BUILDING INSPECTOR STEVE SANDERS  
CITY ATTORNEY BETSY ELAM  
EMERGENCY MGT JAMES MYRICK  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
FIRE CHIEF JAMES BROWN

**ABSENT:**

NONE

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 26, 2018 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton delivered the Invocation.

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

CM Ashton 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. APPROVE MINUTES OF JUNE 9, 2018 JOINT WORKSHOP WITH PLANNING & ZONING COMMISSION & ZBA

B. APPROVE MINUTES OF JUNE 12, 2018 REGULAR CALLED MEETING

C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING JUNE 26, 2018 (FY 2018)

**CM Butler moved, seconded by CM Chisholm to approve the Consent Agenda items #A-C with corrections to Item #A. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 #832-2018 TO HOLD AN OUTDOOR SPECIAL EVENT AT 5116 RIVER OAKS BLVD ON JUNE 30, 2018.

There will be a bounce house and food at Victory Church on June 30<sup>th</sup>, 2018 before the fireworks.

**CM Ashton moved, seconded by CM Chisholm to approve Resolution #832-2018. All voted "Aye".**

9. DISCUSSION AND/OR ACTION ON REQUEST BY GUSTAVO CASTENEDA TO WAIVE THE FLOOD STUDY IN LIEU OF PROVIDING FLOOD INSURANCE AND MEETING THE FINISH FLOOR REQUIREMENTS IN ORDER TO BUILD ON PROPERTY AT 721 CHURCHILL ROAD IN A POTENTIAL FLOODWAY AREA.

Gustavo Casteneda was present. The channel was dedicated to the city; therefore, the city would have to do a flood study. The builder would be required to set the foundation footings at least two feet above the finish grade at the point where the property abuts Churchill. Suggested would be requiring an adenment from the owner. Also suggested is requiring a finish floor document before the concrete is poured thru a licensed surveyor. It was mentioned at the last council meeting requiring flood insurance from the owner. This property is not in a flood plain therefore the insurance companies may not provide flood insurance.

**CM Ashton moved, seconded by CM Chisholm to approve the request to build on the property at 721 Churchill Road requiring the foundation footings be set at two feet above the finish grade at the point where the property abuts Churchill. Also require an adenment be signed by Gustavo Casteneda. All voted "Aye".**

10. DISCUSSION AND/OR ACTION ON AMENDING THE APRIL 24, 2018 SUBSTANDARD BUILDING ORDER EXTENDED UNTIL JULY 12, 2018 ON THE PROPERTY AT 1617 HILLSIDE DR.

Avocent Ventures was present. Requesting is 90 days to repair. Contractors are lined up. City staff is requesting a foundation survey and to bring the entire house up to code. The brick siding will be removed and replaced with other siding.

**CM Ashton moved, seconded by CM Butler to find that the building located at 1617 Hillside based on evidence presented at this 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 building to be repaired by the owner within 89 days; and 3) the board orders commencement of the repairs within 30-days; and 4) the board orders**

**that 30 day progress inspections be made by the City Inspector and be reported to the board prior to the order being reconsidered to be amended and additional time given by the board; and 5) 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 within 89 days and further find that if the building is not repaired within 89 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 89 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building may be demolished. All voted "Aye".**

11. CONSIDER APPOINTMENT OF JENNIFER NEATHERY AS THE LIBRARY DIRECTOR.

**CM Ashton moved, seconded by CM Chisholm to appoint Jennifer Neathery as Library Director. All voted "Aye".**

12. DISCUSSION AND/OR ACTION ON 2018 BOARD APPOINTMENTS AS RECOMMENDED BY MAYOR HERMAN EARWOOD.

The changes are to the Planning and Zoning Board: Dan Gaddis as Place 2, Charles Richardson as Alternate 1; Zoning Board of Adjustments: Lori Watson as Place 5, Jack Allen as Alternate 4.

**Mayor Pro Tem Holland moved, seconded by CM Scott to approve the 2018 Board Appointments. All voted "Aye".**

13. DISCUSSION AND/OR ACTION ON GOING OUT FOR BIDS FOR LEASING THE CITY'S COMMUNICATION TOWER LOCATED AT 4900 RIVER OAKS BLVD.

When the current lease expires, the tower will be offered to the city at no cost or will be taken down. Recommendation is to go out for bids but will need a consultant to write up the bid specs.

**CM Ashton moved, seconded by CM Scott to approve checking with consultants and to bring back potential costs and advice at a later date. All voted "Aye".**

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

14. CONSIDER APPROVAL OF ORDINANCE #1190-2018 AMENDING ARTICLE 12.05 "STOPPING, STANDING AND PARKING", SEC 12.05.011 "SPECIAL NO PARKING ZONES" BY REPEALING SECTION 12.05.011 SUBSECTION (b) "TRUMAN STREET" THAT DESIGNATED THE UNIMPROVED DEDICATED PUBLIC RIGHT-OF-WAY OF TRUMAN DRIVE WEST 211 FEET TO THE INTERSECTION OF TRUMAN DRIVE AND GUSTAV STREET AS A NO PARKING ZONE.

**CM Scott moved, seconded by CM Chisholm to approve Ordinance #1190-2018. All voted "Aye".**

15. CONSIDER APPROVAL OF ORDINANCE #1191-2018 AMENDING ARTICLE 12.05 "STOPPING, STANDING AND PARKING", SEC. 12.05.013 "SPECIAL TIME LIMIT NO PARKING ZONES" BY REPEALING SECTION 12.05.013 "SPECIAL TIME LIMIT NO PARKING ZONES" SUBSECTION (e) "5400 BLOCK OF TRUMAN DRIVE" THAT DESIGNATED A TIME LIMIT NO PARKING ZONE BETWEEN THE HOURS OF 10:00 P.M. UNTIL 6:00 A.M. DAILY.

**CM Chisholm moved, seconded by CM Scott to approve Ordinance #1191-2018. All voted "Aye".**

**OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:**

16. DISCUSSION AND/OR ACTION ON LAND ACQUISITION, PURCHASE OR SALE OF REAL PROPERTY.

No discussion and/or action.

**STAFF REPORTS:**

17. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1101 OXFORD-demolished. New home will be built.
- 1617 HILLSIDE-89 days for compliance.
- 621 OAKLAWN (4721 BARBARA RD)-owner request back to council on July 10, 2018 for extension. No work being done.
- 1605 MONTROSE-bring back for Public Hearing.
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**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

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

19. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.

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

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

Currently the hours for the Library are Monday 12 pm-6 pm. Wednesday and Friday's hours are 10 am-5 pm. Starting July 9<sup>th</sup>, 2018, Monday's hours will change from 11 am-5 pm. Wednesday and Friday's hours will remain the same.

22. **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

23. **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
24. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
25. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
26. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
27. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT.
28. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
29. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

**PUBLIC FORUM:**

30. 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 Pro Tem Holland-water quality for the last quarter and this quarter were in compliance.

CM Chisholm-fireworks are this Saturday at 9:45 pm. This is the last year in the current contract with the firework company.

CM Ashton-ZZ Top will be at the Community Center this Saturday. There are tickets still available.

Mayor Earwood-three out of four of our sanitation trucks were down. Trash was still getting picked up in trucks and trailers.

**EXECUTIVE SESSION:**

31. 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**

**RECONVENE:**

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

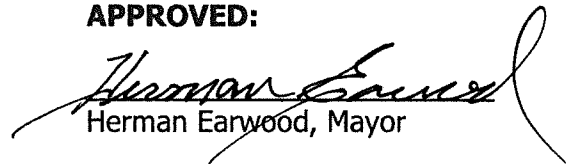
**NONE**

**ADJOURN:**

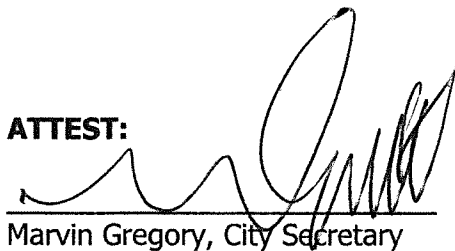
33. ADJOURN

**At 7:59 p.m. Mayor Pro Tem Holland moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary