

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JULY 28, 2009**

**MEMBERS PRESENT:**

MAYOR PRO TEM JOE CREWS  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER R.R. "BOB" MINTER  
COUNCIL MEMBER JOANN GORDON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
FIRE CHIEF BILL CREWS  
LIEUTENANT AVIN CARTER  
BUILDING INSPECTOR STEVE SANDERS  
SECRETARY SUSAN STEWART  
CITY ATTORNEY BETSY ELAM (AT 7:04 P.M.)

**MEMBERS ABSENT:**

MAYOR HERMAN EARWOOD (PERSONAL BUSINESS)

**STAFF ABSENT:**

POLICE CHIEF DAN CHISHOLM (VACATION)

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Crews called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, July 28, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Holland delivered the Invocation.

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

Council Member Butler led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR

**None.**

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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

**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 CITY COUNCIL MEETING JULY 14, 2009

B. BILLS PAYABLE FOR PERIOD ENDING JULY 28, 2009 (2009-2010 FISCAL YEAR)

- C. CONSIDER APPROVAL OF ECONOMIC DEVELOPMENT CORPORATION 1<sup>ST</sup> QUARTER REPORT FOR 2009-2010 FISCAL YEAR
- D. CONSIDER APPROVAL OF CRIME PREVENTION AND CONTROL DISTRICT 1<sup>ST</sup> QUARTER REPORT FOR 2009-2010 FISCAL YEAR
- E. CONSIDER APPROVAL OF 1<sup>ST</sup> QUARTER 2009-2010 FISCAL YEAR INVESTMENT REPORT

**Council Member Holland moved, seconded by Council Member Gordon, to approve consent agenda items A, B, C, D, and E as presented. All voted "Aye."**

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

7. APPEARANCE OF RODNEY ORAND REQUESTING AN EXTENSION IN ORDER TO COMPLETE THE PLANNED COMMERCIAL NURSERY ADDITION AT 1915 ROBERTS CUT OFF

Rodney Orand was present to request additional time to complete the project at 1915 Roberts Cut Off. Mr. Orand stated that he was able to comply partially due to the time involved in complying with zoning violations cited by the City of Fort Worth at his nursery that is located in Fort Worth, resulting in requirements to install curbs and gutters, a fence, and parking requirements on that property.

Issues mentioned by Council Members included the unattractiveness of the property, sales tax on product that is located in River Oaks and sold in the City of Fort Worth, and site plan requirements that have not been met.

Mr. Orand expressed concern regarding the statement of CS Gregory that an excessive amount of water has been consumed during the construction process that could result in a water bill of approximately \$5,000 for the past 7 months.

CS Gregory stated that the City Council could choose to amend the Ordinance subject to payment of a fee in the amount of \$200 and public hearings before the Planning and Zoning Commission and the City Council.

**Council Member Holland moved to direct Staff to begin the process to amend the related Ordinance including a date of completion for all work within 60-days from the date of this meeting and subject to receipt of payment of the required fee. Motion seconded by Council Member Butler. All voted "Aye."**

8. CONSIDER APPROVAL OF CONTRACT AS RECOMMENDED BY THE EDC REGARDING THE BUSINESS IMPROVEMENT GRANT APPLICATION REQUEST OF FORT WORTH AUTOMOTIVE AUTO SUPPLY AT 5210 RIVER OAKS BLVD. BY ROY THIEME

EDC Coordinator Crews presented the proposal that was recently approved by the EDC to the City Council for approval regarding the application of Fort Worth Auto Supply for the BIG (Business Improvement Grant). The exterior improvements would include backlit awnings with signage on the front and sidewalls of the building.

**Council Member Gordon moved, seconded by Council Member Minter, to approve the Business Improvement Grant Application request of Fort Worth Auto Supply at 5210 River Oaks Blvd for the proposed improvements totaling \$22,245 with the EDC contribution award amount of \$10,000. All voted "Aye."**

9. CONSIDER APPROVAL TO COMPETITIVELY BID THE STREET IMPROVEMENT PROJECT ON GLENWICK IN FRONT OF THE FIRE HALL

CS Gregory requested permission from the City Council to competitively bid the street improvement project on Glenwick including specifications designed by an engineer.

**Council Member Holland moved, seconded by Council Member Gordon, to approve the request to competitively bid the street improvement project on Glenwick beside City Hall and to authorize a project engineer to submit the plans and specifications. All voted "Aye."**

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

10. **PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING PROPERTY AT 5060 RIVER OAKS BLVD.**

At 7:51 p.m. Mayor Pro Tem Crews opened the public hearing.

CS Gregory cited substandard violations that included canopies and concrete that were not required to be removed when the structure was destroyed by fire in 2006. In addition, underground gas tanks and pumps remain that also could have been required to be removed.

Wael Alsaahili was present to request additional time to remove the underground fuel tanks and to obtain financing to rebuild a gas station/convenience store.

FC Crews stated that the International Fire Code requires that underground fuel tanks that are inactive for more than one year must be removed or emptied, filled with an inert solid and sealed.

Citizen James Myrick asked Mr. Alsaahili if he continues to permit the underground tanks in accordance with the Railroad Commission. Mr. Alsaahili replied that he is in contact with the proper authorities.

At 8:08 p.m. Mayor Pro Tem Crews closed the public hearing.

FC Crews stated that an order to abate the violations of the International Fire Code would be issued that would allow 60-days for abatement completion. FC Crews stated that this order to abate the violations could be repealed if construction to build a gas station begins prior to the expiration of the 60-day order. FC Crews stressed that the fuel tanks will never again be usable once they have been filled with a solid inert material and sealed.

At 8:21 p.m. Mayor Pro Tem Crews re-opened the public hearing and announced that the public hearing would remain open and be continued at the regular meeting of the City Council on September 22, 2009 at 7:00 p.m.

**11. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5060 RIVER OAKS BLVD. THAT MAY INCLUDE SECURING, VACATING, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED**

**None.**

**STAFF REPORTS:**

**12. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:**

- 4833 OHIO GARDEN RD. – Inspector Sanders reported no change and that no inspections have been performed with permits expiring in August 2009. This property will be presented to the City Council in August or September.

City Attorney Elam reported that action has been filed in District Court regarding the civil penalties assessment for the property at 4833 Ohio Garden. City Attorney Elam offered an option for the City to complete the repairs and place a lien on the property for the cost of those repairs.

- 5116 KESSLER – Inspector Sanders reported this property is in compliance and is no longer substandard.
- 1129 ST. EDWARDS – Inspector Sanders reported no permits have been issued and repairs have begun on this property. CA Elam is attempting to locate heirs to the property. CS Gregory stated that multiple liens have been placed on the property for cleanup and maintenance work performed by the City.
- 5020 TULANE – Inspector Sanders reported the permits expire in August and the work should be complete.
- 5116 TULANE – Inspector Sanders reported the permit for insulation expires in August 2009 and has not been inspected. Johnny Martinez, 5116 Tulane, was present and reported that the insulation is complete with only bed and taping

work remaining. Inspector Sanders informed Mr. Martinez that an insulation inspection is required prior to covering it.

- 1309 GREENBRIER – Inspector Sanders reported progress and completion of work should occur prior to permit expiration.

**13. REPORT ON PROPERTIES UNDER SUBSTANDARD CONSIDERATION AT:**

- 1728 HILLSIDE DR. – Inspector Sanders reported that no repairs have been made and this property would be presented to the City Council in August 2009.

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

**14. 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**

Lieutenant Carter announced that the Police Department had received a grant for participation in the "Teen Belt Project" through "Click it or Ticket" in the amount of \$1,000. The Police Department will participate in a similar program in September for Labor Day that will include DWI's and seat-belt violations.

Lieutenant Carter compared citations issued through June 2009 at 3,568 with the entire year of 2008 at 4,320.

**15. FIRE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

**18. 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.**

**19. 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.**

**20. PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

**No discussion or action.**

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

**No discussion or action.**

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

Council Member Holland requested information regarding upcoming meetings related to the tax rate. CS Gregory stated that a workshop would be held on August 11, 2009 and public hearings would be held on August 25 and September 1, 2009 with the proposed adoption of the tax rate on September 8, 2009.

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

**No discussion or action.**

EDC Coordinator Crews reported that River Oaks Flooring has begun improvements as submitted under the BIG program.

EDC Coordinator Crews reported that three BIG applications have been approved, three applications have been received for review, and thirty applications have been distributed to prospective applicants.

**24. 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.**

**PUBLIC FORUM:**

25. 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**

An unidentified commenter asked if River Oaks had received any of the \$37 million that the City of Fort Worth and the City of Sansom Park had received according to the newspaper. Mayor Pro Tem Crews responded that River Oaks Police Department had recently been denied some grant money due to low crime rates. The audience member then asked if the \$116,000 awarded to the City for water and sewer improvements had been allocated. CS Gregory responded that the City had received some funding from the 35<sup>th</sup> year CDBG program that was allocated for improvements in the 2009-2010 Fiscal Year Budget.

**EXECUTIVE SESSION:**

26. 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:
- 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 – City Secretary/City Administrator
- d. Section 551.076 Deliberation regarding security devices

Mayor Pro Tem Crews stated that the agenda included the opportunity to adjourn into executive session to discuss the duties of the City Administrator/City Secretary. At this time, Office Manager Bagwell and CS Gregory have been requested to provide a plan to the City Council for the re-distribution of some duties currently performed by the City Administrator/City Secretary.

**None called for.**

**RECONVENE:**

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

28. ADJOURN

FC Crews announced that Friday, August 14, 2009 would be River Oaks Night at the Fort Worth Cats and tickets are available at City Hall.

FC Crews announced that reusable shopping bags are available for purchase at City Hall for \$3 each.

Nancy Crews offered car-pooling options for seniors who would like to attend the Fort Worth Cats Game.

**At 8:45 p.m. Council Member Holland moved, seconded by Council Member Gordon to adjourn the meeting. All voted "Aye."**

**APPROVED:**

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Herman Earwood, Mayor

**ATTEST:**

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Marvin Gregory, City Secretary