

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 23, 2010**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOANN GORDON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER R.R. "BOB" MINTER

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND (ILLNESS)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
FIRE CHIEF BILL CREWS
OFFICE MANAGER PAULA BAGWELL
SECRETARY SUSAN STEWART
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT
ATTORNEY MATTHEW WALLIS (FOR CA 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, November 23, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Crews 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:

Mayor Earwood read a proclamation declaring November 2010 as Pancreatic Cancer Awareness Month in River Oaks.

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 REGULAR CITY COUNCIL MEETING NOVEMBER 9, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 23, 2010
- C. APPROVAL OF HIRING OF MITCHELL MOLINAR AS A WATER OPERATOR
- D. APPROVAL OF PAYMENT FOR THE BIG GRANT APPLICATION APPROVED BY EDC AT 5500 MEANDERING RD.

- E. APPROVAL OF RESIGNATION OF DON ISTOOK AS THE PLACE 4 MEMBER ON THE STORM WATER TASK FORCE

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, and E as presented. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 THE RESIGNATION OF JIM MINTER AS THE ASSOCIATE JUDGE OF THE RIVER OAKS MUNICIPAL COURT OF RECORD NUMBER ONE.

Associate Judge Minter presented his resignation since his office is now located in the City of River Oaks.

Council Member Crews moved, seconded by Council Member Butler, to approve the resignation of Jim Minter as the associate judge of the River Oaks Municipal Court of Record Number One. All voted "Aye."

8. SHIRLEY WHEAT, EVENTS COORDINATOR, REQUESTING COUNCIL APPROVAL OF UPCOMING PLANNED SPECIAL EVENTS AT THE COMMUNITY CENTER

Shirley Wheat and Shirley Bloomfield were present to summarize upcoming Community Center events. The Christmas Parade and Tree Lighting will take place on December 3, 2010. The Employee Banquet will be held at the Community Center on December 10, 2010. On December 18, 2010 a battle of the bands event will take place. This event is like any other show, with a percentage of the door charge to be paid to the performers and the Community Center will sell concessions. It was recommended to hold a "watch party" should Clint Robertson advance on "The Apprentice" on December 2, 2010.

Kevin Skidmore, Boy Scout Troup 155, requested permission to host a "Flag Retirement" event at the Community Center on February 2, 2011. It was recommended that local Veterans be invited to participate.

Another Eagle Scout project was mentioned that would include the construction of stage steps for the Community Center.

Castleberry High School Band has suggested holding a "Gala" that would include dinner. Council Members expressed support but requested additional details on this event.

Community Center Directors asked for comments on the "Wrestling" event. Concern was expressed that this type of event includes violence and bullying and may not be a desirable event to promote a positive image of the City.

Additional discussion occurred related to the financial concerns that certain events and programs do not make enough money to cover the cost of hosting the events.

Council Members agreed to hold a workshop on Community Center events.

Council Member Crews, Council Member Butler, and Mayor Pro Tem Gordon agreed to all the suggested events with the exception of the wrestling event. No discernable opinion was received from Council Member Minter.

No formal action was taken.

9. DISCUSSION AND/OR ACTION ON REDUCING OR WAIVING PERMIT FEES FOR HOMEOWNER PERMITS FOR REMODELING (REQUESTED BY COUNCILMAN JOE CREWS)

Council Member Crews presented the discussion topic to waive permitting fees for general maintenance, not for remodeling. Council Member Crews stated that the permit fees could be considered discouraging for homeowners who would like to make home improvements. Council Member Crews suggested that a permit be required for improvements such as roofing, windows, and hot water heater replacement without a fee.

CS Gregory suggested that a minimum fee could be charged instead of a fee based on valuation. CS Gregory also noted that the Council could place guidelines including the permit applicant must be the homeowner and the property must have had a homestead exemption for a specified period of time, such as five years. CS Gregory recommended that the Council consider the effect on revenue that waiving permit fees would have. CS Gregory urged the Council to consider the administrative cost involved in issuing and monitoring permits along with the time of the building inspector to perform inspections.

Council Member Crews suggested a workshop on permit fees. Mayor Earwood directed CS Gregory to develop a list of items exempt from permitting.

Council Members agreed to schedule a workshop on this agenda item.

No formal action was taken.

10. DISCUSSION AND/OR ACTION ON CITY COMPUTER IT SERVICE PROPOSALS

CS Gregory requested time to obtain additional information from the contactors. It was recommended that a complete analysis of all systems be included in the negotiations.

No action was taken.

11. CONSIDER APPROVAL TO AMEND THE CURRENT MCGEE PARK BALLFIELD GUIDELINES

Mayor Earwood stated he had authorized an LYSA football team that had advanced to the play-offs to use the green space on the ball field to practice with lights. Council Members discussed the fact that the guidelines do not name a particular person to make discretionary decisions related to the ball fields. Council Members discussed the fact that the guidelines specify that only baseball or softball may be played on the fields. It was stated that the Park Board Chairperson should be consulted by CS Gregory, should a similar requested be made. Mayor Earwood stated that according to the Council, the fields are to be left unlocked and open to anyone desiring to use them. Citizen John Claridge commented that the fields were negatively affected by the use of cleats.

Council Member Crews moved, seconded by Council Member Minter, to amend the McGee Park Ballfield guidelines to allow CS Gregory in accordance with the Park Board Chairperson to make a decision regarding the usage of the fields. All voted "Aye"

Park Board Chairman Makarwich commented that the fields showed obvious signs of usage.

12. CONSIDER APPROVAL TO CONTRACT WITH RAYDON INC. FOR DRAINAGE IMPROVEMENTS AT WOOLDRIDGE PARK

CS Gregory reported that \$17,712 had been allocated in the budget to install a drainage culvert at Wooldridge Park. A retaining wall constructed by the homeowner behind the property at 4912 Thurston has collapsed. A claim was filed with TML but was deemed an act of God, not negligence. CS Gregory recommended restoring the area and erecting a concrete retaining wall according to a quote from Raydon of \$15,106. CS Gregory requested approval for the total cost for the project at \$32,818.

Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve to contract with Raydon Inc for drainage improvements at Wooldridge Park in the amount of \$32,818.00 as discussed. All voted "Aye."

13. CONSIDER APPROVAL TO HAVE AT&T INSTALL CALL TRANSFER ON THE DISPATCH PHONE SYSTEM IN ORDER TO TRANSFER TO THE FIRE ALARM DISPATCH

CS Gregory stated that in order for police dispatchers to properly transfer calls received on the main switch board to Tarrant County Fire Alarm, "Call disconnect" would need to be installed on all five lines at the Police Department. The cost is \$13.50 per line, per month, with a one-time installation fee of \$10.75 per line.

Council Member Crews moved, seconded by Council Member Butler, to approve to have AT&T install call disconnect on the dispatch phone system in order to transfer to Fire Alarm Dispatch as discussed. All voted "Aye."

14. CONSIDER APPROVAL OF MONTHLY REPORT FOR STORM WATER MANAGEMENT AS PRESENTED BY JAMES HATLEY, CHAIRMAN OF THE STORM WATER TASK FORCE

James Hatley, Storm Water Task Force Chairman, outlined the goals of the Task Force including education of the public and establishing guidelines related to storm water issue for the City Council to consider for approval.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve the monthly report for Storm Water Management as presented. All voted "Aye."

ORDINANCES / RESOLUTIONS AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF **RESOLUTION NO. 686-2010** RECOMMENDING APPROVAL TO TARRANT COUNTY COMMUNITY DEVELOPMENT OF HALL ALBERT CONSTRUCTION INC. AS THE LOW BIDDER FOR THE 36TH YEAR CDBG PROJECT

CS Gregory recommended accepting the low bidder, Hall Albert, for the 36th year CDBG project at \$101,589 for sewer improvements. The City's contribution is \$63,000.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Resolution No. 686-2010 recommending that Tarrant County Community Development award the contract to Hall Albert Construction as the low bidder for the 36th Year CDBG Project as presented. All voted "Aye."

16. CONSIDER APPROVAL OF **ORDINANCE # 866-2010** AMENDING ARTICLE 13.10 "STORM WATER MANAGEMENT PLAN" INCORPORATING SECTION 13.10.017 "DISCHARGE TO MS4 PROHIBITED" AND PROVIDING AN EFFECTIVE DATE

CS Gregory presented the recommendation of the Storm Water Task Force that would require a permit with a fee for car washes on commercial property in order to monitor and control improper discharge into the storm drainage system.

Council Members directed CS Gregory to amend the proposed ordinance that would eliminate car washes on commercial property and to include a commencement date of February 1, 2011 for enforcement.

No formal action was taken.

17. CONSIDER APPROVAL OF **ORDINANCE # 867-2010** APPOINTING THE MUNICIPAL JUDGE AND ASSOCIATE MUNICIPAL JUDGES FOR THE RIVER OAKS MUNICIPAL COURT OF RECORD NO. 1

Mayor Earwood recommended the re-appointment of Andy Vogel as the Municipal Judge and Lee Thomas and Matthew Hudman as Associate Judges for the Municipal Court of

Record. Attorney Wallis and Jim Minter expressed support for the appointment of Lee Thomas.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve Ordinance No. 867-2010 appointing the Municipal Judge and Associate Municipal Judges for the Municipal Court of Record No. 1 as presented. All voted "Aye."

STAFF REPORTS:

18. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 4833 OHIO GARDEN RD. – Inspector Sanders reported no change and no inspections with the building permit expiring in January 2011.
- 1129 ST. EDWARDS – Inspector Sanders reported no change. CS Gregory stated that the Delinquent Tax Attorney had reported that the pending delinquent tax sale could take place in February 2011.
- 1728 HILLSIDE – The Council order was amended to allow the repairs to continue with an expiration date of December 8, 2011. Inspector Sanders reported no contact and no permits have been issued.
- 1621 LONG AVE. – Inspector Sanders reported continual progress.

19. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 5501 BLACK OAK LANE – Inspector Sanders reported that only the replacement of the stairs remains in order to release this property from substandard. The owners have requested an additional two weeks to complete the repairs.
- 1229 CHURCHILL – Inspector Sanders reported active permits that expire December 26, 2010.
- 4847 RIVER OAKS BLVD. – Inspector Sanders reported that the previous occupant, Only a Dollar Store, has applied for a commercial certificate of occupancy.
- 5311 CORNELL – Inspector Sanders reported no change on this HUD property. CS Gregory reported that the Resolution imploring HUD assistance had been sent as requested.
- 4854 MONTROSE – Inspector Sanders reported that this property has been declared substandard due to owner occupancy without an active water account. No contact has been received.

- 4821 ALMENA – Inspector Sanders reported that this property has been declared substandard due to tenant occupancy without an active water account. The owner has agreed to allow the inspector access in order to complete a substandard checklist.
- 5048 OHIO GARDEN RD. – No report given.

20. **PROPERTIES UNDER INTENT TO SUBSTANDARD:**

- 5314 AMHERST – Inspector Sanders reported that the owner has agreed to allow access in order to complete a substandard checklist on a vacant dilapidated accessory building.
- 4508 ALMENA – Inspector Sanders reported that this property has been declared substandard due to tenant occupancy without an active water account.
- 1205 ROBERTS CUT OFF RD. – Inspector Sanders reported that this property has been declared substandard due to tenant occupancy without an active water account.
- 1218 YALE – Inspector Sanders reported that a title search has been performed and notification would be sent to the owner to repair the property.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

21. **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 Chisholm announced that the River Oaks Police Department won a weight loss challenge that included the Sansom Park and Westworth Village Departments. The losing departments committed to wash the fleet of the winning department. The event will take place on December 4, 2010 at the Westworth Village Walmart. The departments will also wash cars for the public in exchange for a cash or toy donation to the Toy Patrol.

PC Chisholm announced that the River Oaks Police Department won the best booth award at a recent chili cook-off hosted by Tarrant County District Attorney's Office.

No action was taken.

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

FC Crews demonstrated some thermal imaging units recently purchased by the Fire Department using bingo money.

No action was taken.

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

No discussion or action.

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

No discussion or action.

25. **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.

26. **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.

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

No discussion or action.

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

No discussion or action.

29. **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.

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

No discussion or action.

[At 9:35 p.m. Mayor Earwood convened into executive session under Section 551.074- Personnel.]

[At 9:41 p.m. Mayor Earwood reconvened into regular session.]

Refer to agenda items 34 and 35 for details.

PUBLIC FORUM:

31. 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**

Council Member Crews stated that the Community Center reports provided are significantly more informational but still lack some detailed information.

WORKSHOPS:

32. DISCUSSION OF THE CITY POLICY PERTAINING TO THE VEHICLE USE POLICY IN ARTICLE XII OF THE RIVER OAKS EMPLOYEE POLICY MANUAL

Mayor Earwood stated that an employee was terminated for misusing a company vehicle.

Council Members directed CS Gregory to enforce the vehicle use policy as written, specifically, the provision that take home vehicles are authorized, subject to the condition that the employee lives in Tarrant County.

33. ACTION IF ANY FROM WORKSHOP

No formal action was taken.

EXECUTIVE SESSION:

34. 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

[At 9:35 p.m. Mayor Earwood convened into executive session under Section 551.074- Personnel.]

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

[At 9:41 p.m. Mayor Earwood reconvened into regular session.]

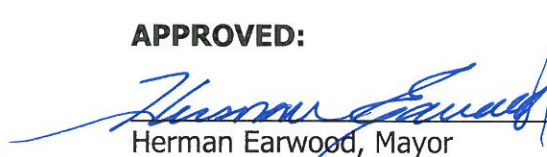
No action was taken.

ADJOURN:

36. ADJOURN

At 10:03 p.m. Council Member Butler moved, seconded by Council Member Crews, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary