

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
FEBRUARY 12, 2013**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

COUNCIL MEMBER STEVE HOLLAND (PERSONAL)  
COUNCIL MEMBER JOANN GORDON (ILLNESS)

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
INTERIM FIRE CHIEF CHRIS HAWKINS  
POLICE CHIEF AVIN CARTER  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
CODE COMPLIANCE OFFICER FABIAN NEATHERY  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
RECORDING 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, February 12, 2013 at 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

Inspector Sanders 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 March 2013 as American Red Cross Month.

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 COUNCIL MEETING JANUARY 22, 2013

B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 12, 2013

C. APPROVAL OF RESIGNATION OF CORINA MOLINAR AS UTILITY BILLING COORDINATION

D. APPROVAL OF PROMOTION REQUEST AS RECOMMENDED BY MAYOR TO TRANSFER LOURDES TORRES FROM ADMINISTRATIVE SECRETARY I TO UTILITY BILLING COORDINATOR

E. APPROVAL TO HIRE KAREN LOVELADY AS A CUSTOMER SERVICE CLERK (ADMINISTRATIVE ASSISTANT I) IN THE WATER ADMINISTRATION DEPARTMENT

**Mayor Pro Tem Crews moved, seconded by CM Ashton, 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. COUNCIL REVIEW OF THE 2011-2012 FISCAL YEAR AUDIT REPORT AS PRESENTED BY WILLIAM SPORE, CPA.

Bill Spore presented the 2011-2012 annual financial reports for review, citing no major deficiencies. Mr. Spore will be present at the next regular council meeting to answer questions.

**No action was taken.**

8. REQUEST OF CODY DAVIS TO DISCUSS THE INSTALLATION OF A 6 TO 8 FOOT PRIVACY METAL FENCE IN A PLANNED DEVELOPMENT ZONING DISTRICT ON UNIMPROVED PROPERTY THAT FRONTS ON AMHERST DRIVE DESCRIBED AS BEING LOT 21A, WHITEHEAD & GREENS UNREC ADDITION.

Cody Davis, property owner, requested permission to place a 6-foot fence on his vacant lot. CS Gregory explained that the property is currently zoned Planned Development. The property has no structures and has been vacant since the adoption of the ordinance. CS Gregory stated that the lot could be considered a non-conforming lot but would fall under R-3 Single-Family zoning regulations. In the zoning ordinance it is provided that Council under certain conditions could grant a variance on the height of the fence as long as it would be architecturally compatible with the zoning district.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve the installation of a 6-foot fence as requested and to allow CS Gregory to approve the material of the fence. All voted "Aye."**

9. CONSIDER APPROVAL OF COMMUNITY CENTER EVENTS AND PROGRAMS

- i. COMMUNITY DOG SHOW
- ii. COMMUNITY ART SHOW

Shirley Wheat, Community Center Director, presented the opportunity to host a dog show in conjunction with Town and County Veterinarian Clinic in April or May.

Shirley Wheat presented the opportunity to work with Castleberry High School Art teachers and students in hosting an art show.

Council Members expressed support for both ideas.

**No action was taken.**

10. CONSIDER APPROVAL TO AMEND THE MAY 12, 2009 SUBSTANDARD BUILDING ORDER ON PROPERTY AT 1129 ST. EDWARDS

Gustavo Castaneda, property owner, requested 89-days to bring the property into full compliance.

**CM Butler moved, seconded by Mayor Pro Tem Crews, that the City Council amend the May 12, 2009 substandard building order located at 1129 St. Edwards based on evidence presented at the February 12, 2013 Regular Council Meeting as follows: 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 RECORD OWNER within 89 days and the RECORD LIENHOLDER OR MORTGAGEE, if any, to within an additional 30-days if the OWNER does not comply; and 3) ORDERS commencement of the repairs within 30-days and has established specific time schedules with the RECORD OWNER for the repair; and 4) 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 or demolished by the RECORD OWNER and the debris removed within 89 days or by the RECORD LIENHOLDER OR MORTGAGEE to within an additional 30-days if the RECORD OWNER does not comply and further find that if the building is not repaired within 89 days or by the RECORD LIENHOLDER OR MORTGAGEE to within an additional 30-days if the RECORD OWNER does not comply, 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 by the RECORD OWNER within 89 days or by the RECORD LIENHOLDER OR MORTGAGEE to within an additional 30-days if the RECORD OWNER does not comply in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) Order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. All voted "Aye."**

11. CONSIDER APPROVAL OF CONTRACT WITH EXTREME PYROTECHNICS FOR FIREWORKS

No discussion occurred.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve a 3-year contract with Extreme Pyrotechnics for fireworks, authorizing Mayor Earwood to sign the contact. All voted "Aye."**

12. CONSIDER APPROVAL OF A 5-YEAR AGREEMENT WITH LYSA FOR USE OF THE MCGEE PARK BALLFIELDS AS RECOMMENDED BY THE PARKS BOARD.

Mayor Earwood suggested a 5-year agreement with LYSA, stating that the organization has proven stability in recent years. It was noted that the baseball schedule would be presented for approval to the Park Board and the Council annually.

**Mayor Pro Tem Crews moved, seconded by CM Ashton, to approve a 5-year agreement with LYSA. All voted "Aye."**

Mike Vargas, LYSA President, was introduced.

13. CONSIDER APPROVAL OF POLICE DEPARTMENT RACIAL PROFILING REPORT PURSUANT TO S.B. 1074 AS PRESENTED BY POLICE CHIEF CARTER.

PC Carter presented the annual Racial Profiling Report as required in accordance with the Texas Racial Profiling Law (S.B. 1074). Each officer is required to complete a data sheet on each person that is issued a citation. The intent of the report is to identify racial issues. Each citation incident is recorded and may be viewed if a problem arises.

**CM Ashton moved, seconded by CM Butler, to approve the Racial Profiling Report as presented. All voted "Aye."**

14. CONSIDER APPROVAL OF THE WORDING AND DESIGN OF THE STONE TO BE PLACED IN THE CENTER MONUMENT IN FRONT OF CITY HALL THAT LISTS THE NAMES OF ALL THE MAYORS OF RIVER OAKS.

The option was presented to add a slogan to the monument that was previously approved. In addition, it was discussed if the stone should accommodate 10 or 30 more mayor's names

**Mayor Pro Tem Crews moved, seconded by CM Ashton, to approve the monument stone with space for 10 additional Mayors names and no slogan. All voted "Aye."**

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

15. CONSIDER APPROVAL OF **ORDINANCE # 967-2013** AMENDING ORDINANCE 955-2012 REVISING THE UTILITY EASEMENT AS ORIGINALLY PLOTTED FROM 50-FEET TO 30-FEET IN EXHIBIT A OF ORDINANCE 955-2012.

CS stated that the original 50-foot easement was adopted by ordinance that must be amended now that 20-feet of originally approved 50-foot utility easement has been abandoned.

**CM Ashton moved, seconded by CM Butler, to approve Ordinance #967-2013. All voted "Aye."**

16. CONSIDER APPROVAL OF **ORDINANCE # 968-2013** AMENDING THE 2012-2013 FY BUDGET FOR EXPENDITURE OF MINERAL GAS LEASE REVENUES FOR THE MONUMENT RESTORATION IN FRONT OF CITY HALL.

No discussion occurred.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve Ordinance #968-2013. All voted "Aye."**

17. CONSIDER APPROVAL OF **ORDINANCE # 969-2013** AMENDING THE 2012-2013 FY BUDGET FOR UNPLANNED EXPENDITURES FOR WATER TANK IMPROVEMENTS FROM THE WATER FUND.

It was reported that the total cost of the project was \$29,246.00.

**CM Butler moved, seconded by CM Ashton, to approve Ordinance #969-2013. All voted "Aye."**

18. CONSIDER APPROVAL OF **RESOLUTION # 756-2013** APPOINTING THE RIVER OAKS CRIME CONTROL AND PREVENTION DISTRICT BOARD OF DIRECTORS.

CS Gregory stated that in 2007, the council voted and approved changing the membership to the Council but by statute this must be done by resolution, which was not done at that time.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve Resolution #756-2013. All voted "Aye."**

#### **PUBLIC FORUM:**

19. 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**

IFC Hawkins gave a reminder of the Fire Department Banquet on February 16, 2013.

Mayor Earwood announced that Henry Harris had passed away.

Mayor Earwood announced that Burger King and Quik Trip are negotiating for the installation of a Burger King.

Mayor Earwood announced that Subway has contacted Staff about a lease space near the old Army Navy store (5500 River Oaks Blvd.)

#### **EXECUTIVE SESSION:**

20. 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: **Advice from City Attorney regarding possible litigation on substandard property at 1205 Churchill Rd. and 2) on-going jail incident investigation.**
- 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 8:19 p.m. Mayor Earwood convened into executive session under Section 551.074, 551.072, 551.074, and 551.076.]

**RECONVENE:**

[At 8:35 p.m. Mayor Earwood reconvened into regular session.]

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken.**

**ADJOURN:**

22. ADJOURN

CS Gregory gave a reminder that Sansom Park is hosting a grand opening event for the renovated City Hall on February 16, 2013.

CS Gregory mentioned that TexPool Interest has decreased significantly.

**At 8:38 p.m. Mayor Pro Tem Crews moved to adjourn the meeting. Motion seconded by CM Ashton.**

Nancy Crews gave a reminder of the Health Fair on March 2, 2013.

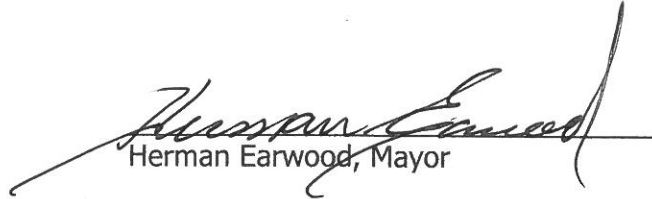
Nancy Crews announced the date of the CCDAC Fundraiser on April 18, 2013 at the Castleberry High School Cafeteria.

James Myrick announced a storm symposium at the Community Center on February 28, 2012 at 7:00 p.m.

**All voted "Aye."**

**APPROVED:**

**ATTEST:**

  
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Marvin Gregory, City Secretary  
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Herman Earwood, Mayor