

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 11, 2014**

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
FIRE CHIEF CHRIS HAWKINS (AT 7:15 P.M.)
POLICE CHIEF AVIN CARTER
CODE COMPLIANCE OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
SECRETARY SUSAN STEWART
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, March 11, 2014 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) AND SPECIAL PRESENTATIONS BY MAYOR

Mayor Earwood read a proclamation declaring April 1, 2014 as National Service Recognition Day.

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. MINUTES OF FEBRUARY 25, 2014 COUNCIL MEETING
- B. MINUTES OF FEBRUARY 27, 2014 SPECIAL CALLED COUNCIL MEETING
- C. BILLS PAYABLE FOR PERIOD ENDING MARCH 11, 2014 (FY 2014)
- D. AUTHORIZE MAYOR TO APPROVE CERTIFICATION PAY AGREEMENTS WITH PUBLIC WORKS EMPLOYEES FOR CDL LICENSING.

CS Gregory was excused to obtain the bills payable, consent agenda item C was delayed.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, and D. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

This agenda item was considered after agenda item 8.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. DRAWING TO DETERMINE THE ORDER IN WHICH THE NAMES OF CANDIDATES ARE TO BE PRINTED ON THE BALLOT FOR THE SPECIAL ELECTION TO BE HELD ON **MAY 10, 2014** IN **CITY OF RIVER OAKS, TEXAS.**

This agenda item was considered after agenda item 8.

7. DIBUJO PARA DETERMINAR EL ORDEN EN QUE EL NOMBRE DE LOS CANDIDATOS DEBEN SER IMPRESO EN LA BOLETA DE LA ELECCIÓN ESPECIAL PARA LOS DÍAS 10 DE MAYO 2014 EN LA CIUDAD DE RIVER OAKS, TEXAS.

Este tema de la agenda fue considerado después del tema 8 en la agenda.

8. CITIZEN APPEARANCE OF SANDRA B. MICHELS OF ST. ELIZABETH CHURCH REQUESTING CITY ASSISTANCE WITH SOCCER FIELDS AT THE CHURCH.

Sandra Michels offered the use of the land that is owned by the church for the installation of some community soccer fields if the city, the school and/or the youth association were interested in preparing the property. Ms. Michels stated that the City of Southlake leases fields from a church. She added that the City prepared the fields and maintains them. Mayor Earwood introduced Ms. Michels to Park Board Chairman Hub Makarwich and encouraged them to work together on this idea.

No action was taken.

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

CM Holland moved, seconded by CM Crews, to approve consent agenda item C. All voted "Aye."

7. DRAWING TO DETERMINE THE ORDER IN WHICH THE NAMES OF CANDIDATES ARE TO BE PRINTED ON THE BALLOT FOR THE SPECIAL ELECTION TO BE HELD ON **MAY 10, 2014** IN **CITY OF RIVER OAKS, TEXAS.**

CS Gregory conducted the drawing which resulted in the candidates being placed in the following order on the ballot Bruce Scott, J. Lynn Vandiver, John Claridge, and Daniel Dagele.

7. DIBUJO PARA DETERMINAR EL ORDEN EN QUE EL NOMBRE DE LOS CANDIDATOS DEBEN SER IMPRESO EN LA BOLETA DE LA ELECCIÓN ESPECIAL PARA LOS DÍAS 10 DE MAYO 2014 EN LA CIUDAD DE RIVER OAKS, TEXAS.

CS Gregory condujo el sorteo que dio el resultado del orden en que se colocaran los nombres de los candidatos en la boleta Bruce Scott, J. Lynn Vandiver, John Claridge, y Daniel Dagel.

9. CONSIDER APPROVAL OF CONTRACT WITH TEJAS CONSTRUCTION FOR THE EMERGENCY SEWER LINE REPLACEMENT AT BLACK OAK AND ROBERTS CUTOFF.

PWD Hatley explained that due to a collapsed sewer line on Black Oak, behind Chicken Express, staff had Tejas Construction commence with the emergency sewer line replacement. Hatley added that the main was not properly tied in and had grease build up. It was mentioned that staff should have a program set up to monitor the grease traps throughout the City.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve the contract with Tejas Construction for the emergency sewer line replacement in the amount of \$18,509. All voted "Aye."

10. CONSIDER APPROVAL OF THE RACIAL PROFILING REPORT AS PRESENTED BY POLICE CHIEF AVIN CARTER.

PC Carter presented the racial profiling report. Carter added that the department has a policy to provide public education on the complaint process that will be on the website tomorrow. Carter also stated that new officers are fully educated on the process of completing and filing racial profiling reports.

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve the racial profiling report. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON HOUSE BILL 259 ENACTING REASONABLE REGULATIONS CONCERNING THE TIME, PLACE AND METHOD OF ELECTIONEERING OUTSIDE THE 100-FOOT DISTANCE MARKERS OF PUBLIC POLLING PLACES.

CS Gregory explained that new legislation restricts the city from permitting electioneering outside of the 100 foot marker on property belonging to a public building where a poll site is located. CS Gregory added that this allows electioneering in front of the police department, fire department and the library. The city could adopt an ordinance that would create a "reasonable regulation" designating the place, time and manner of electioneering. Mayor Earwood directed to staff to work with CA Elam to designate an area in front of the library and bring this to the council at the next regular meeting.

No action was taken.

12. DISCUSSION AND/OR ACTION ABOUT PROVIDING PUBLIC INFORMATION ON PROPOSITION 1 REGARDING THE SALE OF PARK PROPERTY.

CS Gregory suggested the use of a flyer that would provide facts about Proposition 1 (the sale of park property). CA Elam cautioned that it is prohibited to advocate for or against a proposition.

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve the flyer providing information on Proposition 1 regarding the sale of park property, subject to approval by the city attorney. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. ADMINISTRATIVE HEARING: PURSUANT TO SECTION 3.07.013013 OF THE RIVER OAKS CODE OF ORDINANCES AMENDING THE CIVIL PENALTIES AS WAS ASSESSED ON AUGUST 27, 2013 AGAINST THE PROPERTY OWNER AT **604 FRONTIER STREET** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES (2006).

At 7:50 p.m. Mayor Earwood opened the administrative hearing.

A representative was not present.

CA Elam cautioned about increasing the penalty to the point that the bank might abandon their interest in the property. CA Elam stated that the civil penalties would go against the bank once foreclosure is complete.

Staff verified that the bank was notified and the certified receipt was signed for and returned to the City.

Discussion occurred resulting in concern that the condition of the property had not changed since the last inspection in 2013. Council directed staff to enter under an administrative search warrant to assess the condition and report back to the Council to consider amending the substandard order.

At 7:58 p.m. Mayor Earwood closed the administrative hearing.

14. ACTION FROM THE ADMINISTRATIVE HEARING: CONSIDER ORDERS AMENDING THE CIVIL PENALTIES AS WAS ASSESSED ON AUGUST 27, 2013 AGAINST THE PROPERTY OWNER AT **604 FRONTIER STREET** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES (2006).

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE # 1020-2014 AMENDING THE 2013-2014 FY BUDGET FOR EXPENDITURE OF FIRE DEPARTMENT DOLLAR DONATION FUNDS.

FC Hawkins verified that the project is complete although the amount is \$1,757.44 more than budgeted due to unforeseen electrical and plumbing work.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Ordinance #1020-2014 amending the 2013-2014 FY Budget for expenditure of Fire Department Dollar Donation Funds with an increase of \$1,757.44. All voted "Aye."

STAFF REPORTS:

16. STAFF UPDATE ON SUBSTANDARD PROPERTY ABATEMENT AT 933 CARONDOLET

CCO Jones reported progress is continual but the owner has not paid the substandard fee as agreed. Jones added that the council order expires on March 15, 2014.

No action was taken.

17. STAFF REPORT ON SWMP (STORM WATER MANAGEMENT PLAN) REVISIONS AND NOI PERMITTING REQUIREMENTS FOR STORM WATER RUNOFF INTO THE MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM).

CS Gregory gave an update on the Storm Water Plan that has been revised following the investigation by TCEQ that resulted in two major changes as follows: 1) outfall sampling must be provided on a more regular basis and 2) mapping of outfall basin. Staff will present the revised plan to the council in the form of an ordinance.

No action was taken.

PUBLIC FORUM:

18. 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.**

Helen Kipp, 4900 Thurston, expressed concern about some yard parking, wrong way street parking, tires and a loose dog in her neighborhood. CCO Jones responded that the code department has addressed concerns, including hers, with success. Jones added that the tires are covered and are not holding standing water therefore they are not a violation. Jones invited Ms. Kipp to call his extension with any future concerns. Ms. Kipp stated that her neighbor is burning things outside. FC Hawkins stated that this is allowed in an approved container or on a hard surface as long as it is 10-feet away from the buildings with a water source nearby. Hawkins invited Ms. Kipp to call the Fire Department with any concerns. PC Carter addressed the vehicle parked on the wrong side of the road, stating that this violation is difficult to enforce unless the police actually see the person who parks the vehicle. PC Carter invited Ms. Kipp to contact the Police Department with any concerns related to street parking or loud music.

Nancy Crews gave a reminder of the upcoming Castleberry Cares Health Fair on March 22, 2014 at A.V. Cato Elementary.

An unidentified woman from 1301 Roberts Cut Off expressed concern over the traffic in the street that is generated by the auto repair shop at the corner of Roberts Cut Off and Notre Dame, stating that a bad wreck will occur.

Mayor Earwood asked CS Gregory to update everyone on an informational meeting that community leaders had recently attended that relates to Meandering Road.

CM Holland inquired about some clothing donation boxes that had been placed in the City without permission. CCO Jones responded that the one on Blackstone is in the City of Fort Worth and the others in River Oaks have been abated.

Mayor Earwood inquired about a roll-off dumpster on Almena to which PWD Hatley replied that it has been correctly changed out.

CM Ashton mentioned the Fire Department banquet and thanked the department for their service.

Mayor Earwood responded to an inquiry related to the opening of the washateria at River Oaks Boulevard and Yale, stating that it should be open on Saturday.

EXECUTIVE SESSION:

19. 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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney: **Multiple City Merger for Fire Service.**
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.
- Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

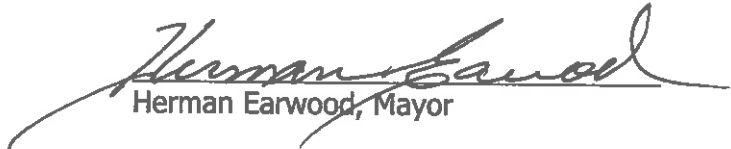
21. ADJOURN

At 8:28 p.m. Mayor Pro Tem Gordon moved, seconded by CM Holland, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary


Herman Earwood, Mayor