

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
APRIL 23, 2013**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER JOE ASHTON  
COUNCIL MEMBER JOANN GORDON

**MEMBERS ABSENT:**

MAYOR PRO TEM JOE CREWS (OUT OF TOWN)

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
INTERIM FIRE CHIEF CHRIS HAWKINS (AT 7:10 P.M.)  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SHOP FOREMAN KELLEY HOOPER  
ASSISTANT CITY SECRETARY PAULA LUCK  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
CODE ENFORCEMENT OFFICER FABIAN NEATHERY  
SECRETARY SUSAN STEWART  
CITY ATTORNEY FOR 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, April 23, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland 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) 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.

A. MINUTES OF CRIME FORUM & COUNCIL MEETING APRIL 9 , 2013

B. BILLS PAYABLE FOR PERIOD ENDING APRIL 23, 2013

C. APPROVAL OF 2<sup>ND</sup> QUARTER FY 2013 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT.

D. APPROVAL OF 2<sup>ND</sup> QUARTER FY 2013 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT.

E. APPROVAL OF 2<sup>ND</sup> QUARTER FY 2013 INVESTMENT REPORT

**CM Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, C, D, and E. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 RESOLUTION 762-2013 PERMITTING AN OUTSIDE SPECIAL EVENT AT 5210 RIVER OAKS BLVD. (FORT WORTH AUTO SUPPLY) AS REQUESTED FOR BY CAROL & ROY THIEME

A representative was not present.

Questions were raised related to the date of the sale and the products to be sold.

**CM Butler moved, seconded by CM Holland, to approve a 1-day sale at 5210 River Oaks Blvd. All voted "Aye."**

8. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5516 N. SCHILDER DR. AS REQUESTED BY JOHN M. WALKER

John Walker, property owner, requested to replace the current siding on the eaves and trim areas of the house with hardiboard. Mr. Walker agreed that the hardiboard would be placed horizontally.

**CM Holland moved, seconded by CM Gordon, to approve the request. All voted "Aye."**

9. PRESENTATION BY DAWN BRINSON REGARDING THE IMPACTS TO THE CITY UNDER THE HEALTH CARE ACT

Dawn Brinson was present to explain the federal health care act and the impact to the City. In 2014 all citizens will be required to have health insurance or be subject to an additional tax. The city will also be subject to a penalty if health care is not offered to employees. Ms. Brinson stated that the initial renewal rate offered by Aetna is at an increase of 33 percent for the HMO plan that is currently offered.

**No action was taken.**

10. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH JOINT RESERVE BASE FOR FIRE PROTECTION

IFC Hawkins recommended approval of the agreement.

**CM Gordon moved, seconded by CM Butler, to approve the Interlocal Agreement with Joint Reserve Base for Fire protection. All voted "Aye."**

11. DISCUSSION AND/OR ACTION ON PLANNED IMPROVEMENTS TO THE CONCRETE ACCESS ROAD TO THE WATER PLANT AS PRESENTED BY PWD HATLEY

PWD Hatley presented three bids to replace 126 lineal feet of the road leading to the water treatment plant. Hatley recommended the low bidder, Blue Sky, at \$15,850.

**CM Butler moved, seconded by CM Gordon, to approve Blue Sky to install 126 feet of concrete to the water plant. All voted "Aye."**

12. CONSIDER APPROVAL OF MID-YEAR BUDGET REVIEW AND APPROVAL OF ORDINANCE # 979-2013 AMENDING THE CITY'S OPERATIONAL BUDGETS DUE TO UNPLANNED EXPENDITURES IN THE FY 2012-2013 BUDGET YEAR

CS Gregory presented the mid-year 2012-2013 budget, requesting a budget expansion of \$51,541 to the general fund budget. An expansion in the water fund was requested in the amount of \$328,000. An expansion of \$500 was requested in the Economic Development budget. There were no requested revisions to the Crime Control and Prevention District Budget or the Storm Water Task Force budget. CS Gregory expressed concern regarding overtime, especially at the water treatment plant.

**CM Gordon moved, seconded by CM Butler, to approve Ordinance #979-2013 amending the City's operational budgets. All voted "Aye."**

CM Holland inquired about controlling overtime. CS Gregory responded that department heads have put a system in place for the approval of overtime.

13. CONSIDER APPROVAL TO CONTRACT WITH E.S. & C.M. ENGINEERING FOR THE DESIGN AND CONSTRUCTION OF A 6-INCH NEW WATER MAIN IN ORDER TO LOOP THE WATER MAIN ON JACKSBORO HIGHWAY

No discussion occurred.

**CM Gordon moved, seconded by CM Ashton, to contract with E.S. & C. M. Engineering for the design and construction of a 6-inch new water main. All voted "Aye."**

14. CONSIDER APPROVAL TO UPGRADE THE POLICE CRIMES SOFTWARE TO BE EXPENDED OUT OF COURT TECHNOLOGY FUNDS

PC Carter requested funds to replace a server for the Crimes software system. Attorney Elam asked if this is related to court. PC Carter affirmed that the records maintained on this server are used for court.

CM Holland noted that this item was not included in the mid-year budget amendments presented earlier.

**CM Gordon moved, seconded by CM Holland, to upgrade the police Crimes software from court technology fund not to exceed \$20,000. All voted "Aye."**

15. DISCUSSION AND/OR ACTION ON CITY PARTICIPATION IN THE T.E.R.P. (TEXAS EMISSIONS REDUCTION PLAN)

Kelley Hooper presented the opportunity to work with Freightliner to obtain grants that would cover up to 80% of the cost of new trucks.

**CM Holland moved, seconded by CM Gordon, to participate in the T.E.R.P Program. All voted "Aye."**

16. CONSIDER APPROVAL TO AMEND THE AUGUST 23, 2011 SUBSTANDARD BUILDING ORDER ON THE SUBSTANDARD PROPERTY AT 1205 CHURCHILL RD.

Inspector Sanders reported that permits have been obtained and progress has begun.

Secretary Stewart stated that the owner, who was unable to be present, has contacted staff and has requested 90-days to bring the property into compliance.

**CM Gordon made the following motion "The Board orders the property to be brought into compliance with Section 3.07.004 of the River Oaks Code within ninety (90) days. Avocet ("Owner") agrees to abate the substandard violations listed in the Property Report within 90-days. The City agrees that if its building inspector determines that a violation(s) listed in the Property Report has not been repaired in accordance with the Code's standards after the expiration of the 90-day Repair Period, OWNER shall have an additional five (45) days from the date of its receipt of the building inspector's report to repair the violation(s) listed in the Property Report that still exists. Motion seconded by CM Butler. All voted "Aye."**

17. DISCUSSION AND/OR ACTION ON PURCHASING FUEL UNDER THE QUIK TRIP FUEL CARD AND CANCELING CURRENT AGREEMENT TO PURCHASE FUEL FROM DOUGLASS DISTRIBUTORS

Mayor Earwood recommended approval to obtain fuel for city vehicles from Quik Trip. The current system does not allow for adequate tracking of fuel usage. CS Gregory affirmed that the cards cannot be used for in store purchases and there are no monthly fees.

**CM Ashton moved, seconded by CM Gordon, to purchase fuel under the Quik Trip Fuel Card and canceling the current agreement to purchase fuel from Douglass Distributors. All voted "Aye."**

18. DISCUSSION AND/OR ACTION ON COMMITTEE RECOMMENDATIONS FOR A DEDICATION CEREMONY FOR COMMUNITY CENTER

Mayor Earwood requested that this agenda item be presented at a later date.

**No action was taken.**

**19. DISCUSSION AND/OR ACTION REGARDING PURCHASING DUMPSTER BAGS AS PRESENTED BY PWD HATLEY**

PWD Hatley presented the opportunity for citizens who obtain a permit for small construction projects to purchase a non-reusable "dumpster bag" to dispose of construction debris. The bags can accommodate 2500 lbs. and cost approximately \$29.00.

[At 8:21 p.m. CM Ashton left the dais.]

Kelley Hooper stated that the bags are not ideal for brush.

[At 8:23 p.m. CM Ashton returned to the dais.]

Staff will present this option to the Council after researching the options.

**No action was taken.**

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

**20. PUBLIC HEARING CONTINUED FROM MARCH 26, 2013:** Substandard Enforcement Action regarding STRUCTURE(s) located on the Property at **809 GUSTAV ST.**

This public hearing is continued from March 26, 2013.

Staff reported that this property will be offered for sale on the court house steps in May.

Mayor Earwood announced that this public hearing would remain open and be continued on May 28, 2013 at 7:00 p.m.

**21. ACTION FROM PUBLIC HEARING:** Consider Council Orders on the property at **809 GUSTAV ST.** that may include securing, vacating of occupants, removal, repairing or demolition of STRUCTURE(s) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS in order to be brought into compliance with Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended.

**No action was taken.**

**22. PUBLIC HEARING:** Substandard Enforcement Action regarding STRUCTURE(s) located on the Property at **604 FRONTIER ST.**

At 8:30 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders reported that once the title search was performed, additional interested parties were notified and given this opportunity to appear before the Council. Sanders requested that the Council order from March 26, 2013 remain in effect.

Tuesday Cooley, 602 Frontier, expressed concern that the owner is not attempting to bring the property into compliance.

Attorney Elam stated that she had spoken to the bank who informed her that foreclosure has not begun but the bank anticipates being active in dealing with the owner to repair the property.

At 8:43 p.m. Mayor Earwood closed the public hearing.

23. **ACTION FROM PUBLIC HEARING:** Consider Council Orders on the property at **604 FRONTIER ST.** that may include securing, vacating of occupants, removal, repairing or demolition of STRUCTURE(s) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS in order to be brought into compliance with Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended.

**CM Ashton moved, seconded by CM Gordon, to amend the order from March 26, 2013 to include all listed lienholders. All voted "Aye."**

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

24. CONSIDER APPROVAL OR **RESOLUTION # 761-2013** IN SUPPORT OF THE CONSTITUTION OF THE UNITED STATES AS IS TO PROTECT AND DEFEND THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS.

No discussion occurred.

**CM Gordon moved, seconded by CM Ashton, to approve Resolution #761-2013. All voted "Aye."**

25. CONSIDER APPROVAL OR **RESOLUTION # 763-2013** AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ELECTRIC.

CS Gregory stated that this agreement is the same as past years at \$0.10 per capita.

**CM Gordon moved, seconded by CM Butler, to approve Resolution #763-2013. All voted "Aye."**

**STAFF REPORTS:**

26. STAFF REPORT FROM PLMC LOCAL GOV RECOMMENDATIONS MEETING

This meeting was postponed, no update was given.



**27. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

Inspector Sanders gave the following updates:

- 1129 ST. EDWARDS - Active building permit expires 5/13/2013. Owner has verbally agreed to staff to pay \$1375.00 for cleanup fees.
- 1205 CHURCHILL – See agenda item 16.
- 1619 YALE - Council gave 89 days. Active electrical and building permits. Substandard fee has been paid.
- 809 GUSTAV – See agenda items 20 and 21.
- 620 WORTHVIEW DR. - Council allowed an additional 90 days that will expire 6/25/2013. Progress checks every 30-days. Active building and mechanical permits.
- 604 FRONTIER ST. – See agenda items 22 and 23.

**28. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 715 ISBELL – In compliance.

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

Mayor Earwood requested the next agenda contain the appointment of Chris Hawkins as Fire Chief.

**29. 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 Carter reported that Tim Whitley has been hired as a patrol officer. PC Carter reported that applications are being accepted for an additional patrol officer. PC Carter reported receiving the resignation of a dispatcher. PC Carter noted that the amount collected by the warrant officer has increased.

**No action was taken.**

**30. FIRE DEPARTMENT REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

IFC Hawkins reported that the ISO Review should be complete in 3-4 weeks. IFC Hawkins explained that this inspection is performed every 10-years if it is not requested sooner.

IFC Hawkins expressed concern regarding the water flow on Jacksboro and requesting that the City consider replacing some of the mains in order to increase the flow.

**No action was taken.**

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

John Paul Jones reported 174 active code cases this month. Jones reported that the code department is working some weekend and evening hours in an attempt to make personal contact with citizens.

**No action was taken.**

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

**No discussion or action.**

**33. 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.**

**34. 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.**

**35. PARK BOARD MONTHLY ACTIVITY REPORTS INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD**

**No discussion or action.**

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

**No discussion or action.**

**37. 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.**

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

**No discussion or action.**



**39. 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 action was taken.**

**PUBLIC FORUM:**

40. 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**

CS Gregory reported that the new Oncor representative, Grace Daniels, will be present at the next Council meeting.

Mayor Earwood stated that Gary Jones, CISD Superintendent, was the guest speaker at the Community Luncheon.

CM Butler announced that River Oaks Clean Up Day will be Saturday, April 27, 2013 and volunteers are needed.

CM Holland gave a reminder of the Quik Trip opening on April 24, 2013 at 2:00 p.m.

CM Gordon added that cake will be served at the QT opening.

CM Gordon gave a reminder of the public grand opening of Quik Trip on April 25, 2013 at 6:00 a.m.

CM Ashton commented that although he was initially skeptical of having two code officers, they are doing an extraordinary job.

Mayor Earwood stated that staff is reviewing plans for a Burger King that will be located by the Quik Trip.

Mayor Earwood stated that Subway has been contacting staff regarding a location near 5500 River Oaks Blvd.

Mayor Earwood stated that James Blake has contacted Harbor Freight about locating across from City Hall.

CM Holland announced that Lockheed Martin is moving 600 engineers to the area. CM Holland requested that this be relayed to Pam Mundo.

**EXECUTIVE SESSION:**

41. 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 February 6, 2013 jail incident.**
- 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 called for.

**RECONVENE:**

42. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


None.

**ADJOURN:**


43. ADJOURN

**At 9:15 p.m. CM Gordon moved, seconded by CM Ashton to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary