

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 12, 2010**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
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
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF BILL CREWS
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, January 12, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Fire Chief Crews delivered the Invocation.

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

Mayor Pro Tem Crews 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 January 2010 as School Board Appreciation 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 CITY COUNCIL MEETING DECEMBER 8, 2009
- B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 12, 2010

Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve consent agenda items A and B 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 2009 DELINQUENT TAX REPORT AS PRESENTED BY LYNN STAVINOKA OF PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP

Tax Attorney, Lynn Stavino, delivered the delinquent tax report as follows: As of December 31, 2009, there were 176 outstanding accounts totaling \$101,662.22 in delinquent taxes owed to the City. Of those, \$4,830.62 is related to bankruptcy; \$1,959.94 in trust; \$702.42 is deferred; \$57,086.71 is in litigation; \$4,849.17 is related to bad addresses; and \$32,233.36 in other action pending.

Mayor Pro Tem Crews moved, seconded by Council Member Minter, to approve the 2009 Delinquent Tax Report as presented. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON CITY MONUMENT SIGN

FC Crews provided an update on the proposed monument sign to be placed in front of City Hall. TXDOT would not approve the permit for the location of the sign as submitted. However, Wendy from TXDOT has relayed to FC Crews that the sign can be placed on the City's property without observation of any additional setback requirements from the state right-of-way line and without having to obtain a permit as long as the advertising on the sign is inclusive to the City. After meeting with Identity Management, FC Crews proposes to relocate the sign slightly to the east and to raise the sign by an additional two feet. Additional cost for the stonework to increase the height is anticipated at approximately \$1,500 or less.

Mayor Pro Tem Crews recommended total removal of the crepe myrtles as opposed to trimming them in order to maximize visibility of the proposed sign.

CS Gregory stated an EDC budget amendment would be required for additional expenditures.

Mayor Pro Tem Crews moved to approve up to an additional \$1,500 for the City monument sign and directed Staff to proceed with the EDC budget amendment as necessary. Motion seconded by Council Member Butler. All voted "Aye."

9. CONSIDER APPROVAL OF EMERGENCY PIPEBURSTING WITH HALL ALBERT CONSTRUCTION LLC ON FRONTIER

CS Gregory stated that a sewer line on Frontier from Stevens to Barbara had collapsed and an emergency pipebursting was performed prior to Council consent due to the potential health and safety hazard to the general public. The approximate cost of the repair is \$36,250.

Council Member Holland moved, seconded by Mayor Pro Tem Crews, to approve the emergency pipebursting with Hall Albert Constuction LLC on Frontier as presented. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON THE PROPOSALS FOR THE HIGHWAY MEDIAN IMPROVEMENT PROJECT

CS Gregory presented samples of stamped concrete for the median improvement projects at River Oaks Blvd. and Ohio Garden, River Oaks Blvd. and Roberts Cut Off, and Jewel's Corner. Staff recommends the contractor submit the required permit to TXDOT.

Council Member Butler moved, seconded by Mayor Pro Tem Crews, to approve Sandstone/Flagstone in Autumn Brown #6 for the median improvement project as presented. All voted "Aye."

11. CONSIDER APPROVAL OF SECURITY SYSTEM TO BE INSTALLED IN THE CITY HALL COMPLEX

FC Crews presented a camera security option for City Hall that could be purchased at Sam's Wholesale and installed by Staff at a cost of approximately \$1,700. The system includes a DVR, monitor, and eight cameras. City Attorney Elam confirmed that the court security fund could pay for the entire amount if contained within the same building as the municipal court.

Mayor Earwood recommended a comparable system for the library and directed Staff to place this item on the next regular meeting agenda for Council consideration.

Mayor Pro Tem Crews moved, seconded by Council Member Minter, to approve the proposed court security fund expenditure of up to \$1,700 for a camera security system to be installed at City Hall as presented. All voted "Aye."

12. FIRE CHIEF BILL CREWS REQUESTING PERMISSION TO HAVE NEW FIRE DEPARTMENT COMMAND VEHICLE PLACED ON CITY INSURANCE

FC Crews reported that the Fire Department had purchased a Ford Expedition as a new command vehicle with bingo money and he requested that the vehicle be placed on the City's insurance policy. Mayor Earwood announced that the vehicle will be titled to the City and therefore is required to be on the City's insurance.

No action was taken.

13. CONSIDER APPROVAL OF THE SECO GRANT PROJECT AS RECOMMENDED BY THE ENERGY POLICY WORK GROUP

CS Gregory presented a \$35,000 grant opportunity for energy conservation. The proposed selected project is for an amperage reduction controller installed on the pumps at the water treatment plant.

Mayor Pro Tem Crews made the following recommended revisions to the proposed grant application: 1) Stated in Section B – "Environmental Questionnaire must be completed only if you have selected #4 - Installation of renewable energy technologies on

government buildings and your project does not fall under certain criteria listed on page 7." Jim Benner responded that the State Comptroller's Offices verified that the questionnaire does not need to be completed for this project. 2) On Page 8, Item # 6 is check marked "NO" and states, "Does the entity have written administrative policies and procedures?" Mayor Pro Tem Crews stated that the City does have these items and he requested the box be checked "YES."

Council Member Butler moved, seconded by Mayor Pro Tem Crews, to approve the recommendation of the Energy Policy Work Group and proceed with the grant as revised. All voted "Aye."

14. PUBLIC WORKS DIRECTOR REQUESTING PERMISSION TO GO OUT FOR BIDS ON THE 2009-2010 SEWER PROJECT

CS Gregory requested permission to proceed with the process of competitive bidding for the sewer project in accordance with SSO agreement with TCEQ. This item was a budgeted expenditure estimated at \$387,000.

Mayor Pro Tem Crews moved, seconded by Council Member Holland, to approve for Staff to begin the bidding process for the 2009-2010 sewer project as presented. All voted "Aye."

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

15. CONSIDER APPROVAL OF **ORDINANCE # 831-2010** REGARDING THE HOLDING OF REGULAR COUNCIL MEETINGS

Council Members unanimously agreed on the diction presented in Ordinance # 831-2010 as follows: "Routinely, regular meetings of the River Oaks City Council shall be held on the 2nd and 4th Tuesday of each month. However, when circumstances require, the regular meetings may be rescheduled or cancelled, provided at least one regular meeting is held per month."

Council Member Holland moved, seconded by Mayor Pro Tem Crews, to approve Ordinance # 831-2010 as presented. All voted "Aye."

STAFF REPORTS:

16. BUILDING OFFICIAL REGARDING SUBSTANDARD PROPERTIES AT:

- 724 THERSA – CS Gregory reported that the new owner of 724 Thersa has begun the voluntary compliance procedure.
- 1728 HILLSIDE DR. – CS Gregory reported that although a prospective owner has contacted staff, this property may be presented to the Council to consider civil penalties on January 26, 2010.
- 1412 LAWRENCE – CS Gregory reported that the new owner for 1412 Lawrence has begun the voluntary compliance procedure.

- 5060 RIVER OAKS BLVD. – CS Gregory reported that the property is in compliance but has not been released from substandard conditions since the required \$150 substandard fee has not been paid. Staff recently mailed a letter requesting the owner pay the fee.

No action was taken.

PUBLIC FORUM:

17. 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**

Tuesday Cooley, 602 Frontier, was present to express concern that after submitting multiple complaints to the City regarding 604 Frontier, the property continues to be in violation. Mrs. Cooley inquired about the next avenue to proceed that would require this property to be maintained in a satisfactory manner. Mayor Earwood reported that CS Gregory and Code Enforcement Officer Olmo had visited the property at 604 Frontier and although unsightly, no violations were cited. Mrs. Cooley presented pictures of the property, stating that bags of trash should not be allowed to remain for an extended period of time. Mayor Earwood recommended a workshop to review the current ordinances that may lead to increased enforcement if possible. Mayor Pro Tem Crews stated that a follow up report on this property was given at the meeting on December 8, 2009 and the property is in compliance under the current ordinances. CA Elam recommended that discussion on this subject continue at a future meeting under an agenda item that could include restricting outside storage in the front yard.

Royce Shields, 709 Winters, stated that the property located at 5200 Barbara Rd. has an abundance of outside storage around the entire house, and junk vehicles and open containers conducive to mosquito breeding in the back yard behind a privacy fence. CA Elam stated that Staff could obtain a search warrant to further examine the property if a nuisance violation complaint is received.

An unidentified citizen inquired about the vacant gas station owned by the Bud Ball family. FC Crews reported this property is under contract.

John Claridge, 5355 Baylor, suggested that the Council consider incorporating ordinances related to "greener technologies" such as wind turbines and solar panels.

Mayor Earwood recognized the success of the EDC BIG projects including River Oaks Flooring, Fort Worth Automotive, Angel's, and SuperSave.

Mayor Earwood noted that Don Istook is attempting to bring a Subway into the City.

Mayor Earwood announced that a meeting with the "T" is scheduled and will include mayors and administrators of the surrounding cities in an attempt to bring mass transit to the citizens of these smaller cities at an affordable rate.

PC Chisholm reported that at a recent meeting of approximately 70 Police Chiefs, the City of River Oaks was the only city to award a pay increase in the 2009-2010 budget.

Mayor Pro Tem Crews recommended that workshop meetings be held in a larger room with a meeting table instead of the formal environment of the Council Chambers.

EXECUTIVE SESSION:

18. 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

None called for.

RECONVENE:

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

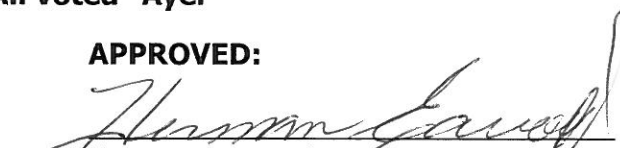
20. ADJOURN

At 9:01 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor