

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
FEBRUARY 8, 2011**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOANN GORDON  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER JOE CREWS  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER BOB MINTER

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF DAN CHISHOLM  
BUILDING INSPECTOR STEVEN SANDERS  
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY  
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
SECRETARY SUSAN STEWART  
OFFICE MANAGER PAULA BAGWELL  
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 8, 2011 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 Holland 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 REGULAR CITY COUNCIL MEETING JANUARY 25, 2011
- B. MINUTES OF THE SPECIAL CALLED MEETING JANUARY 31, 2011
- C. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 8, 2011

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, and C 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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.**

7. CONSIDER APPROVAL OF 2010 DELINQUENT TAX REPORT AS PRESENTED BY LYNN STAVINOHA OF PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP

Tax Attorney, Lynn Stavinoha, delivered the delinquent tax report as follows: As of January 15, 2011, there were 175 outstanding accounts totaling \$110,204.46 in delinquent taxes owed to the City. Of those, \$5,621.95 is related to bankruptcy; \$76,745.87 is in litigation; \$140.53 is related to bad addresses; and \$24,833.75 in other action pending.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve the delinquent tax report as presented. All voted "Aye."**

8. CONSIDER APPROVAL OF FY 2010-2010 COMPREHENSIVE FINANCIAL REPORT AS PRESENTED BY CITY AUDITORS C.R. PARR AND ASSOCIATES

Sheryl Wardashki, C.R. Parr and Associates, presented the 2010-2010 annual financial reports, citing four significant deficiencies and no material weaknesses. Ms. Wardashki reported that the deficiencies were concerns that were pointed out by staff members. Ms. Wardashki stated that the city is financially sound.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the 2010-2010 Comprehensive Financial Report as presented. All voted "Aye."**

9. CONSIDER APPROVAL OF DETAILED PLAN OF ACTION FOR 90-DAY COMPLIANCE ON THE PROPERTY AT 4833 OHIO GARDEN RD.

Building Inspector Sanders reported that no permits had been obtained as ordered by the City Council. Staff notified the owner in writing of the Council Order requiring a detailed plan of action and permits to be obtained. Staff reported that entry would be made on Friday February 11, 2010 at 10:00 am as recommended by the City Attorney.

**No action was taken.**

10. CONSIDER APPROVAL TO AMEND THE JANUARY 11, 2011 ORDER TO DEMOLISH THE SUBSTANDARD STRUCTURE AT 1218 YALE STREET

John, Ward, property owner, was present to request time to repair the structures at 1218 Yale. Mr. Ward stated that he was out of town and did not receive notice of the public hearing until after the hearing was conducted. Mr. Ward agreed to secure and maintain the appearance of the property immediately.

CA Elam confirmed that the original order to demolish the structures would remain in effect if the Council amended the order to allow the owner time to repair the property.

Council Members cautioned Mr. Ward that an attic space could not be used for livable space.

**Council Member Holland made the following motion "I move that the City Council find that the building located at 1218 Yale St. based on evidence presented at this hearing, is Substandard and: 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 OWNER within 90 days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) THE BOARD ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE 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 Owner and the debris removed within 90 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 90 days, 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 within 90 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished. Council Member Minter seconded the motion. All voted "Aye."**

11. CONSIDER APPROVAL TO AMEND THE NOVEMBER 9, 2010 SUBSTANDARD BUILDING ORDER AT 1621 LONG AVE.

Inspector Sanders reported continual progress with permits expiring on February 7, 2011.

Carol and Azmi Elmasri, property owners, were present to request an additional 60-days to complete the repairs due to weather delays.

**Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to allow an additional 60-days for the property owners to complete the repairs and bring the property into full compliance. All voted "Aye."**

12. CONSIDER APPROVAL OF THE DATE FOR THIS YEAR'S ALL AMERICAN FESTIVAL

Suggested date for the All American Celebration is June 25, 2011.

**Council Member Holland moved, seconded by Mayor Pro Tem Gordon to approve June 25, 2011 as the official date for the All American Celebration. All voted "Aye."**

13. CONSIDER APPROVAL OF REQUEST FROM THE COMMUNITY CENTER CO-DIRECTORS FOR COMMUNITY CENTER EVENTS AS FOLLOWS:

- (a) OPEN HOUSE MARCH 5<sup>TH</sup>
- (b) MISS RIVER OAKS CONTEST APRIL 2<sup>ND</sup>
- (c) COUNCIL AND CITIZENS MEET AND GREET APRIL 16<sup>TH</sup>
- (d) OUTSIDE USE FOR SOCCER PRACTICE BY LYSA
- (e) PROMOTION OF JOHNNY CASH SHOW

Shirley Wheat and Shirley Bloomfield gave an overview of some possible community center events.

An open house event was suggested for March 12, 2011 at 6:00 p.m. The purpose of this event would be to provide information to the community related to the programs and events offered at the Community Center.

A Miss River Oaks contest was suggested. No details were provided.

A meet and greet for River Oaks City Council candidates was suggested for April 9, 2011. Due to the fact that NASJRB is hosting a major air show this weekend, a definite date was not set.

LYSA has requested to use the outdoor area at the Community Center for soccer on Mondays, Tuesdays, Thursdays, and Fridays due to construction at the schools.

It was suggested to give each city employee a complimentary ticket to the Johnny Cash show this weekend.

**Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to approve the requests for Community Center events as discussed. All voted "Aye."**

Council Member Holland request that firm dates of the events be emailed to Council Members.

14. CONSIDER APPROVAL OF GLOBAL SERVICES AGREEMENT FOR LADDER TESTING FOR THE FIRE DEPARTMENT.

Mayor Earwood stated that this request is for ladder testing for the Fire Department. This agreement is less costly than the previous service provided by one of the fire department volunteers. Council Member Holland reminded Staff to assure that conflict of interest forms are filed in cases such as with the previous service provider. CA Elam requested that the contract be approved subject to approval by the City Attorney.

Mayor Earwood recommended that this agenda item be postponed until FC Crews could be present.

**No action was taken.**

**15. CONSIDER APPROVAL OF THE 2010 POLICE DEPARTMENT RACIAL PROFILING REPORT AS PRESENTED BY POLICE CHIEF DAN CHISHOLM.**

PC Chisholm 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.

**Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve the 2010 Racial Profiling report as presented. All voted "Aye."**

**16. CONSIDER APPROVAL OF EMERGENCY PIPE BURSTING WITH HALL-ALBERT BEHIND THE 4800 BLOCK OF KESSLER**

CS Gregory recommended hiring Hall Albert for the emergency pipe bursting of a collapsed sewer main behind Kessler in the amount of \$67,302. CS Gregory stated that due to a possible health hazard, bids are not required even though the amount of the project exceeds \$50,000.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the emergency pipe bursting with Hall-Albert behind the 4800 block of Kessler as presented. All voted "Aye."**

**17. CONSIDER APPROVAL OF MAYOR'S RECOMMENDATION REGARDING EMPLOYEE SALARY COMPENSATION FOR CITY HALL CLOSURES DUE TO BAD WEATHER**

Mayor Earwood recommended compensating employees that worked when City Hall was closed due to inclement weather by providing them with an extra day off. Mayor Earwood stated that due to the extraordinary number of days that city hall was closed this year, the budget impact to pay employees for working during that time would be \$8,519.11.

**Council Member Holland moved, seconded by Council Member Butler, to the Mayor's recommendation to provide employees that work during the 2011 City Hall inclement weather closures an additional day off with pay for each day worked, to be used by September 30, 2011. All voted "Aye."**

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

**18. CONSIDER APPROVAL OF RESOLUTION # 690-2011 AMENDING AND REPEALING RESOLUTION 687-2011 THAT AUTHORIZED THE CITY'S PROJECT SUBMITTAL AND PLEDGE FOR THE 37<sup>TH</sup> YEAR CDBG PROGRAM.**

CS Gregory recommended adopting the proposed resolution and that the former resolution for the 37<sup>th</sup> year CDBG project be repealed. The project has been revised to accommodate the proper size pipe at an additional \$10 per foot. The total proposed



project cost would be \$110,020 with the City's pledge increasing from \$20,000 to \$31,000.

**Mayor Pro Tem Gordon made the following motion, "I move to adopt Resolution #690-2011 repealing the former Resolution # 687-211 by authorizing the revised submittal of the City's CDBG project proposal from \$99,520 to \$110,020 for the 37<sup>th</sup> Year CDBG Program (FY2011) as recommended by the Public Works Director, authorizing the revised City Pledge of \$31,000 to the project and designating Cheatham and Associates as the Project Engineer." Motion seconded by Council Member Holland. All voted "Aye."**

19. CONSIDER APPROVAL OF **RESOLUTION # 691-2011** CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 14, 2011; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

No discussion occurred.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve Resolution NO. 691-2011 calling a joint election to be held on May 14, 2011 with Tarrant County. All voted "Aye."**

19. SE CONVOCA A UNA ELECCION GENERAL QUE SE LLEVARA A CABO EL 14 DE MAYO DEL 2011; **PARA CONSIDERAR LA APROBACION DE LA RESOLUCION NUM. 691-2011** PARA APROBAR UNA ELECCION CONJUNTA CON EL CONDADO DE TARRANT; Y ESTABLECER LOS PROCEDIMIENTOS PARA DICHA ELECCION; Y PROPORCIONAR UNA FECHA EFECTIVA.

**La Sub Alcalde Gordon hizo la moción, secundada por la Concejal Butler, para aprobar la Resolución No. 691-2011 convocando a una elección conjunta con el Condado Tarrant, que se llevara a cabo el 14 de Mayo del 2011. Todos votaron "Si".**

20. CONSIDER APPROVAL OF **ORDINANCE # 873-2011** AMENDING THE FY 2010-2011 FISCAL YEAR BUDGET AND PROVIDING FOR AN EFFECTIVE DATE.

CS Gregory requested a budget amendment for computer support with unified 360 in the amount of \$5,428. The requested amount includes an anti-virus renewal and the minimum monthly charge.

**Council Member Holland moved, seconded by Council Member Crews, to approve Ordinance No. 873-2011 amending the fiscal year 2010-2011 budget as presented. All voted "Aye."**

**STAFF REPORT:**

21. INSPECTOR SANDERS ON PROGRESS OF SUBSTANDARD HOUSING AT 5501 BLACK OAK

**No action was taken.**

**PUBLIC FORUM:**

22. 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**

**Mayor Earwood** announced that the first day to file for a place on the ballot for the May Election is Monday, February 14, 2011.

**Sherrie Uptmore-Dast** noted that Vernon Hooper is recovering from a fall and is now receiving visitors.

**EXECUTIVE SESSION:**

35. 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 8:59 p.m Mayor Earwood convened into executive session under Section 551.074-Personell.]

**RECONVENE:**

[At 10:57 p.m. Mayor Earwood reconvened into regular session.]

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

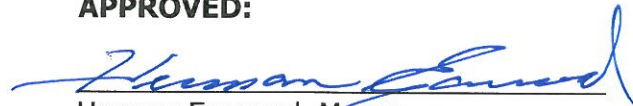
**No action was taken.**

**ADJOURN:**

25. ADJOURN

**At 10:58 p.m. Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary