

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 9, 2010**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER R.R. "BOB" MINTER
COUNCIL MEMBER JOANN GORDON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
OFFICE MANAGER PAULA BAGWELL
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

MEMBERS ABSENT:

MAYOR PRO TEM JOE CREWS

STAFF ABSENT:

FIRE CHIEF BILL CREWS

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 9, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Holland delivered the Invocation.

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

Council Member Butler 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 CITY COUNCIL MEETING JANUARY 26, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 9, 2010
- C. APPROVAL TO AUCTION THE 1997 GREEN FORD (P.D. CHIEF'S VEHICLE)
- D. MINUTES OF TOWN HALL MEETING FEBRUARY 4, 2010

Council Member Gordon moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, and D 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 AWARDING OF CITY'S BANKING SERVICES DEPOSITORY TO THE ELIGIBLE FINANCIAL INSTITUTION

CS Gregory stated that Staff has a scheduled meeting with one of the bidders and he requested to postpone this agenda item.

Mayor Earwood announced that this agenda item would be presented to the Council at the next regular meeting on February 23, 2010.

No action was taken.

8. CONSIDER APPROVAL OF THE RESIGNATION OF APRIL OLMO, CODE ENFORCEMENT OFFICER

Council Member Holland moved, seconded by Council Member Gordon, to accept the resignation of April Olmo, Code Enforcement Officer. All voted "Aye."

9. CONSIDER APPROVAL OF MAYORS RECOMMENDATION FOR THE HIRING OF A LIBRARY CLERK.

Mayor Earwood requested approval of the hiring of part-time library clerk Maria Tueme, due to the resignation of Brittany Torres.

Council Member Holland moved, seconded by Council Member Butler, to approve the hiring of Maria Tueme for the library clerk position as presented. All voted "Aye."

10. CONSIDER APPROVAL OF MAYORS RECOMMENDATION FOR THE HIRING OF A POLICE OFFICER

Mayor Earwood requested approval of the hiring of full-time officer Robert Chapmon.

Council Member Gordon moved, seconded by Council Member Minter, to approve the hiring of a police officer as presented. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON SUSPENDED TEMPORARY CERTIFICATE OF OCCUPANCY ISSUED FOR ORANDS NURSERY AT 1915 ROBERTS CUT OFF RD.

CS Gregory reported that the water account for Orand's Nursery has been finaled due to non-payment. The temporary certificate of occupancy has been suspended due to the lack of water service since the business cannot provide proper sanitary facilities to the public. CS Gregory reminded the Council that the owner was allowed until March 20, 2010 to complete the screening fence requirements. The owner has not obtained a permit to construct a fence. Additionally, since the business is not active, the product (trees and plants) is considered to be in violation of the Zoning Ordinance, which does not allow outside storage.

Council Members directed CS Gregory to immediately reiterate to the owner the delinquency of the water account and the possibility that all products would be required to be removed if compliance is not met by March 20, 2010.

CA Elam stated that citations could be issued beginning on March 21, 2010 with fines of up to \$2,000 per day.

No action was taken.

12. CONSIDER APPROVAL TO CONTINUE SUPPORT OF THE HEALTHY SOLUTIONS PROGRAM FOR THE CITY EMPLOYEES

PC Chisholm requested that the Council consider continued support of the Healthy Solutions Program by paying one-half of the program fees for City Hall Employees. PC Chisholm reported that Police Department Employees fees are paid from the seizure fund. The cost is \$40 for new participants and \$36 for returning participants. PC Chisholm stated that participants are required to use breaks and lunches so as not to be a disruption to normal city business operations.

Council Member Holland moved, seconded by Council Member Gordon, to approve the continued support of the healthy solutions program for the City Hall Employees with reimbursement of up to \$20.00 per participant as presented. All voted "Aye."

13. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATION FUND FOR THE EMERGENCY REPAIR OF SECURITY LIGHTING AT MCGEE PARK.

CS Gregory reported that Public Works Superintendent Hatley had replaced some security lighting at Mc Gee Park at the request of the Park Board. PWS Hatley obtained an electrician to repair the lighting without realizing the expense involved. The total cost involved is \$3,087 that would normally be paid from Park Maintenance, however, that fund currently has a negative balance of \$825. CS Gregory reported that Staff has since been made aware of the process for building maintenance including the policy that requires three quotes. CS Gregory presented two options: amend the budget or use dollar donations to absorb the costs.

Council Member Gordon moved, seconded by Council Member Minter, to approve to expend funds from the Park Dollar Donation Fund for the repair of security lighting at McGee Park as presented. All voted "Aye."

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

14. CONSIDER APPROVAL OF **ORDINANCE # 834-2010** REGULATING THE USE OF THE RIVER OAKS CITY SEAL WITHIN THE CITY.

CS Gregory presented an ordinance drafted by the City Attorney's office that would restrict the use of the City Seal without authorization from the City.

Council Members inquired about protecting the City Logo. CS Elam offered to confer with CS Gregory and report back to the Council.

Council Member Holland moved, seconded by Council Member Minter, to approve Ordinance No. 834-2010 as presented. All voted "Aye."

15. CONSIDER APPROVAL OF **ORDINANCE # 835-2010** AMENDING SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" THAT ESTABLISHES A SPECIAL STOP INTERSECTION AT SPRINGER ROAD AND WHITE OAK LANE.

PC Chisholm recommended the installation of a stop sign at White Oak Lane and Springer Avenue for the safety of the public. The traffic on White Oak would continue as a through street while the traffic on Springer would stop at the intersection.

Council Member Holland moved, seconded by Council Member Gordon, to approve Ordinance No. 835-2010 as presented. All voted "Aye."

Mayor Earwood directed CS Gregory to present a future Ordinance to the Council that would support all stop signs that are currently in the City that may not have previously been approved by ordinance.

16. CONSIDER APPROVAL OF **RESOLUTION # 671-2010** OBJECTING TO THE LACK OF MAINTENANCE ON THE PROPERTY AT 1728 HILLSIDE DR. AND IMPLOING THE SECRETARY OF VETERAN AFFAIRS TO ABATE THE SUBSTANDARD VIOLATIONS.

CA Elam presented a resolution imploring the Department of the Secretary of Veteran Affairs to abate the substandard violations at 1728 Hillside.

Council Member Holland moved, seconded by Council Member Gordon, to approve Resolution No. 671-2010 as presented. All voted "Aye."

STAFF REPORT:

17. EDC PRESIDENT, JOANN GORDON REPORTING ON THE COMPLETION OF THE BUSINESS IMPROVEMENT GRANT PROGRAM AT THE SUPER SAVE LOCATED AT 5116 RIVER OAKS BLVD.

EDC President Gordon reported that the asphalt work has been completed and inspected. All the proper documentation has been received and the City's reimbursement portion is \$8,150.00.

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**

John Claridge suggested that the City attempt to obtain items related to Johnny Rutherford from the Pate Museum that recently closed.

John Claridge recommended that craft fair events held at the Community Center include some indoor and outdoor activities in order to maximize exposure to vendors that rent indoor spaces.

James Ashley inquired about the process that requires underground storage tank removal at the gas station formerly known as "Buds." Mayor Earwood responded that FC Crews would report with an update in the near future.

James Ashley inquired about the monument sign to be located at City Hall. CS Gregory reported that manufacturing of the sign is expected to be complete within about five to six weeks with installation taking one to two days.

James Ashley commented that the water storage tanks on Roberts Cut Off are an eyesore. CS Gregory reported that the contractor would resume work soon and work is expected to be complete within one to two weeks.

James Ashley commented on the "mud holes" in front of Jesse's Donuts. Mayor Earwood replied that City Staff could possibly remove some of the asphalt in an attempt to uncover a concrete drain previously installed by TXDOT. Mayor Earwood reiterated that the drain is actually the responsibility of TXDOT since it is located in their right-of-way.

PC Chisholm announced that the Police Department Awards Dinner would be held on February 12, 2010 at the Community Center.

PC Chisholm reported that the Police Department did not receive any funding from the FEMA grant.

PC Chisholm reported that Officer Ruben Montelongo has announced his resignation to be effective the end of February.

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:

- 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:

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

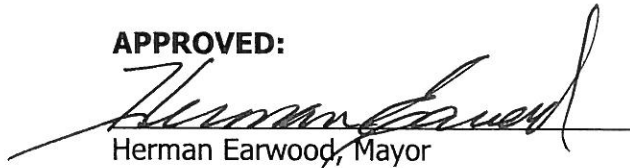
None.

ADJOURN:


21. ADJOURN

At 7:56 p.m. Council Member Holland, seconded by Council Member Butler, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary