

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 22, 2011**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER JOE CREWS

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT
FIRE CHIEF BILL CREWS
UTILITY COORDINATOR PAULA NIELSEN
OFFICE MANAGER PAULA BAGWELL
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 7:05 p.m. on Tuesday, February 22, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

James Hatley 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:

Mayor Earwood read a proclamation declaring April as River Oaks Clean Up Month and April 30, 2011 as River Oaks Clean Up 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.

- A. MINUTES OF REGULAR CITY COUNCIL MEETING FEBRUARY 8, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 22, 2011
- C. APPROVE AMENDED CONTRACT FOR THE BUSINESS IMPROVEMENT GRANT OF DIEGO F. PEDROZA AT 5157 RIVER OAKS BLVD. (AS RECOMMENDED BY EDC).

Mayor Pro Tem Gordon removed consent agenda item C from the consent agenda. No action was taken on this item.

Mayor Pro Tem Gordon moved, seconded by Council Member Holland 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Consent agenda item C was removed from the consent agenda. No action was taken on this item.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. PRESENTATION OF CHECK BY CHESAPEAKE ENERGY TO THE CITY OF RIVER OAKS POLICE DEPARTMENT FOR TRAFFIC CONTROL

Heather Scoggins, Chesapeake Energy, was present to congratulate PC Chisholm and grant writer, Officer Perkins, with a check for \$5000. Officer Perkins reported that the Police Department used the grant money to purchase a laser radar.

No action was taken.

8. CONSIDER APPROVAL OF DETAILED PLAN OF ACTION FOR 90-DAY COMPLIANCE AND/OR PROGRESS UPDATE ON THE SUBSTANDARD PROPERTY AT 4833 OHIO GARDEN RD.

CS Gregory reported no change and no updates on the property at 4833 Ohio Garden since Staff had served an administrative search warrant to obtain pictures of the unfinished work.

CA Elam stated that the law firm expects to file under Chapter 54 of the Texas Local Government Code in District Court within a week. CA Elam explained that District Court has the authority to enforce the ordinances of a city, when the city has exhausted all means to enforce its own ordinances.

No action was taken.

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

FC Crews requested approval to hire Global Services for ladder testing in the amount of approximately \$450.

CA Elam stated that due to the small amount of the contract, no revisions were recommended.

Council Member Holland moved, seconded by Council Member Butler, to approve Global Services Agreement for Fire Department ladder testing as presented. All voted "Aye."

10. CONSIDER APPROVAL TO REQUIRE BONDING AND SETTING OF BOND AMOUNT FOR CITY EMPLOYEES PURSUANT TO SECTION 12.08 OF THE CITY CHARTER

CS Gregory reported that according to the City Charter, all officers of the City that handle money are required to be bonded. CS Gregory stated that although covered by TML, bonding each of the administrative employees would be added protection. CS Gregory stated that the Council would need to set the bond amount or approve an ordinance that states that the employees, other than the City Administrator and Office Manager, are not required to be bonded.

No action was taken.

11. CONSIDER COUNCIL APPROVAL TO ALLOW MAYOR/CITY SECRETARY TO EXTEND UTILITY PAYMENT ARRANGEMENTS AND TO ADJUST SEWER WINTER MONTH AVERAGING FOR FEBRUARY/MARCH BILLS DUE TO WATER LOSS FROM BROKEN PIPES

Paula Nielsen, utility clerk, was present to request that CS Gregory be allowed to approve extended utility payment arrangements of up to six months and sewage re-calculations due to the excessive number of major leaks that occurred during the freezing weather for the billing months of February and March 2011.

Council Member Holland moved, seconded by Council Member Minter, to allow CS Gregory to approve extended utility payment arrangements of no more six months and perform sewage re-calculations for the billing months of February 2011 and March 2011 as requested. All voted "Aye."

12. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATION FUND FOR THE BMX TRAIL SIGNAGE AT WOOLDRIDGE PARK

CS Gregory presented the request of the Park Board to expend up to \$2,500 from the dollar donation fund for unforeseen signage expenses.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to expend funds from the Park Dollar Donation Fund for the BMX Trail signage at Wooldridge Park as presented. All voted "Aye."

13. CONSIDER APPROVAL OF MAYORS RECOMMENDATION TO APPOINT JAMES HATLEY AS THE INTERIM PUBLIC WORKS DIRECTOR EFFECTIVE IMMEDIATELY

This item was presented after agenda item number 16.

14. CONSIDER APPROVAL OF JOINT WORKSHOP WITH THE PLANNING AND ZONING COMMISSION AND THE RIVER OAKS CITY COUNCIL REGARDING PROPOSED TEXT AMENDMENTS TO THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE

CS Gregory stated that the Planning and Zoning Commission had conducted an initial workshop related to amendments to the Zoning Ordinance. CS Gregory presented two potential dates for a joint workshop between the Planning and Zoning Commission and the City Council of February 28, 2011 or March 10, 2011.

Council Members agreed to participate in a joint workshop with the Planning and Zoning Commission on February 28, 2010 at 6:00 p.m. at the River Oaks Community Center.

No action was taken.

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

15. CONSIDER APPROVAL OF **ORDINANCE # 874-2011** AMENDING THE 2010-2011 FISCAL YEAR BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve Ordinance No. 874-2011 amending 2010-2011 Fiscal Year Budget for City Dollar Donation Fund expenditures. All voted "Aye."

16. CONSIDER APPROVAL OF **RESOLUTION # 692-2011** AMENDING THE BUSINESS IMPROVEMENT GRANT PROGRAM ("THE BIG PROGRAM")

EDC President Gordon presented the recommendation of the EDC for proposed changes to the BIG program:

- Specific improvements, "proposed color coordination shall not be intrusive or be in contrast to the other business developments as determined by the Economic Development Corporation prior to final approval being given"
- The following are, without limitation, specific examples of improvements that are not eligible improvements "Parking lot improvements including overlaying, patching, sealing, or re-striping"
- Procedural Requirements "Applicant or designee is required to be present to answer questions at the public hearing before the EDC that is scheduled for consideration of their application. Failure to appear shall result in the application being submitted to the City Council with the EDC recommendation to deny the application."
- Procedural Requirements "detailed plan of action with supporting documents including, but not limited to the scope of work and the time it will take to complete the project"
- Procedural Requirements "Any requested changes to the final approved agreement must be submitted 30 days prior to the expiration date"

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve Resolution No. 692-2011 amending the Business Improvement Grant Program as presented. All voted "Aye."

13. CONSIDER APPROVAL OF MAYORS RECOMMENDATION TO APPOINT JAMES HATLEY AS THE INTERIM PUBLIC WORKS DIRECTOR EFFECTIVE IMMEDIATELY

[At 7:36 p.m. Mayor Earwood convened into executive session under 551.074-Personnel.]

[At 8:00 p.m. Mayor Earwood reconvened into regular session.]

Mayor Pro Tem Gordon moved, seconded by Council Member Holland, to approve James Hatley as the Interim Public Works Director, effective immediately. All voted "Aye."

STAFF REPORT:

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

Inspector Sanders gave the following updates on substandard properties:

- 4833 OHIO GARDEN RD. - no change. This item was discussed under agenda item 8.
- 1129 ST. EDWARDS – no change
- 1621 LONG AVE. – continual progress with permits expiring April 8, 2011
- 1218 YALE ST. – permits may be issued that expire May 9, 2011

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

- 5501 BLACK OAK LANE – replacement of the stairs delayed due to the contractor. Mayor Earwood directed Staff to contact the owner and obtain proof from the contractor that the work is scheduled.
- 5311 CORNELL – HUD property, no enforcement action until ownership changes
- 4821 ALMENA – secured and vacant with permits expiring August 17, 2011

- 1205 ROBERTS CUT OFF RD. – Owner must complete repair summary or obtain demo permit by February 25, 2011.
- 5314 AMHERST – accessory structure with a building permit that expires July 24, 2011
- 1712 LAWTHOR – plumbing repairs approved. Christmas in Action is working with the owner.
- 5414 BAYLOR –Building Official's order to repair expires March 8, 2011. No permits issued.
- 1716 LAWTHOR – Son of owner does not intend to repair, bank will foreclose. Staff will bring to Council in March for an order.

19. **RELEASED FROM SUBSTANDARD:**

- 4854 MONTROSE – all fees paid, obtained an approved certificate of occupancy
- 1229 CHURCHILL - obtained an approved certificate of occupancy
- 5048 OHIO GARDEN RD. - obtained an approved certificate of occupancy

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

20. **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 Chisholm reported that the Police Department would submit three JAG Grants by the deadline of Monday February 28, 2011 and would bring the appropriate resolutions to the City Council at the next regular meeting.

PC Chisholm gave a reminder of the Police Department Annual Awards Ceremony on Friday February 25, 2011 at 6:30 p.m. at the Community Center.

21. **FIRE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion or action.

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

No discussion or action.

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

No discussion or action.

24. **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.

25. **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.

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

No discussion or action.

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

No discussion or action.

28. **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.

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

President Gordon pointed out a separate handout outlining EDC monthly activity for January 2011 and February 2011 from EDC Coordinator Crews.

30. **STORM WATER TASK FORCE MONTHLY ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

Storm Water Task Force Chairman Hatley gave an overview of upcoming events at which the Task Force would be present to educate the public.

PUBLIC FORUM:

31. 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**

None.

EXECUTIVE SESSION:

32. 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

[Refer to agenda item 13 for additional executive session and action.]

[At 8:00 p.m Mayor Earwood convened into executive session under Section 551.074- Personnel.]

RECONVENE:

[At 8:53 p.m. Mayor Earwood reconvened into regular session.]

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

[Refer to agenda item 13 for executive session and action.]

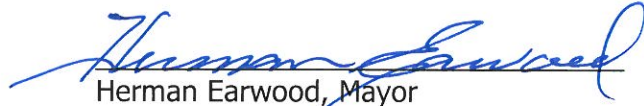
No additional action was taken.

ADJOURN:


34. ADJOURN

At 8:54 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