

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

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
INTERIM PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT
FIRE CHIEF BILL CREWS
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 7:00 p.m. on Tuesday, March 8, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Interim Public Works Director James Hatley delivered the Invocation.

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

PC Chisholm led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

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 22, 2011
- B. MINUTES OF SPECIAL CALLED JOINT WORKSHOP WITH PLANNING AND ZONING COMMISSION ON FEBRUARY 28, 2011
- C. BILLS PAYABLE FOR PERIOD ENDING MARCH 8, 2011
- D. APPROVE AMENDED CONTRACT FOR THE BUSINESS IMPROVEMENT GRANT OF DIEGO F. PEDROZA AT 5157 RIVER OAKS BLVD. (AS RECOMMENDED BY EDC).

Refer to agenda item 6 for approval.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Mayor Pro Tem Gordon removed item D from the consent agenda.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve consent agenda items A, B, and C as presented. All voted "Aye."

Mayor Pro Tem Gordon summarized the recommendation of the EDC for the BIG application of Mr. Pedroza to amending the contract to eliminate the requirement for lighted signs and allow the existing signage to remain, to require the lower awnings be removed and to install the R-Paneling to be consistent with the rest of the building. The work must be complete within 30-days in order to receive EDC funds.

Council Member Crews moved, seconded by Council Member Butler, to approve consent agenda item D as amended. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ ACTION:

7. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR DONATION FUND FOR THE PURCHASE OF AN IPAD

Library Director Earwood requested to purchase an iPad and protective covers for the Library to pursue the movement toward electronic books. The iPad would not be available for patron checkout.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to expend Library Dollar Donation Funds for the purchase of an iPad as requested. All voted "Aye."

8. APPEARANCE OF CHARLES GRAVES REQUESTING APPROVAL TO REFUND PERMIT FEES FOR PLUMBING PERMIT # 0026037

Charles Graves requested a refund on a permit that he obtained since he did not accept the job. It was noted that Inspector Sanders had performed a site visit inspection that is normally a \$47 fee. CS Gregory stated that the permit form currently does not include wording that indicates that permit fees are non-refundable.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to authorize a refund in the amount of \$43.50 for permitting fees. All voted "Aye." Staff was directed to change the permit form to reflect that no refunds will be given.

9. CONSIDER APPROVAL OF AGREEMENT WITH LYSA FOR USE OF THE MCGEE BALL FIELDS FOR THE 2011 SEASON

LYSA President Steve Sanders requested approval of an agreement that would allow LYSA to use the McGee Park Ball Fields for practices as well as games beginning immediately and lasting until June 30, 2011. The only fee outlined in the contract would be for the use of the lights. Mr. Sanders reported that the Park Board has approved this recommendation.

Council Member Butler moved, seconded by Council Member Crews, to approve the agreement with LYSA for the use of McGee Park Ball Fields for the 2011 season as presented. All voted "Aye."

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

- (a) MEDICATION REVIEW/SENIOR SERVICES
- (b) SELF DEFENSE CLASSES
- (c) HELOUIS MUNSON/KID SUMMER MEALS PROGRAM
- (d) PETTING ZOO FOR APRIL 23RD EASTER EGG HUNT
- (e) QUARTERLY SATURDAY VARIETY SHOW
- (f) TOY RUN FOR CHRISTMAS

Medication Review – concern was expressed that the City could be responsible if seniors, who can be easily influenced, modified their medications due to recommendations made by this service.

Self Defense Class – concerns were expressed related to the fees and a conflict with the existing karate classes.

Summer Meals Program – it was noted that the school district currently hosts a summer food program that offers meals to students in the city.

Petting Zoo for Easter Egg Hunt – there is no fee or contract; participants purchase food to feed the baby animals. More information is needed; however, Council authorized Staff to continue with this idea.

Variety Show – this event would feature different venues of entertainment such as rock or country shows.

Toy Run for Christmas – participants would pay an entry fee or donate a toy to participate in a ride between two specific points. The donations would go to children who may otherwise not receive gifts at Christmas.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve items d, e, and f and to disallow items a, b, and c. All voted "Aye."

11. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR FUND FOR PURCHASE OF A ELECTRIC PROJECTOR SCREEN, WATER SLIDE AND LAMINATOR

It was noted that the City Council had previously approved up to \$900 for the purchase of the projector screen.

Community Center representatives requested to purchase a professional quality slide that can be used at numerous City events since it has the capability to be used wet or dry. CS Gregory responded to liability concerns, stating that TML would be the authority to resolve claims related to the slide, but a waiver of liability is always a good idea.

Community Center representatives requested to purchase a professional quality laminator.

Council Member Crews moved, seconded by Council Member Minter, to expend Community Center Dollar Donation Funds for the purchase of a water slide not to exceed \$3,800 plus shipping, and a laminator and work table not to exceed \$879 plus shipping. All voted "Aye."

12. CONSIDER APPROVAL OF DONATION OF CURVES EXERCISE EQUIPMENT FROM TRINITY BAPTIST CHURCH

Trinity Baptist Church has offered to donate some used Curves exercise equipment to the Community Center at no cost. Concerns arose related to liability and the space needed to house such equipment.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to not approve the donation of Curves exercise equipment from Trinity Baptist Church. All voted "Aye."

13. CONSIDER APPROVAL TO AUTHORIZE THE TEXAS TECH CREATIVE WRITING DEPARTMENT FOR PARK GRANT WRITING AS BEING PRESENTED BY DAVID BALLARD OF THE PARK BOARD.

Park Board Member David Ballard presented the opportunity for students from Texas Tech to gain experience by assisting the City in grant writing at no cost to the City. With several phases in the Park Project remaining, a significant amount of funding is necessary.

Mayor Earwood stated that all grants must go through the City Secretary's office prior to submittal. CA Elam suggested that the City Council approve all grant applications.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to authorize the Texas Tech Creative Writing Department to work with CS Gregory and Park Board Members to write grants for City Parks. All voted "Aye."

14. 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 stated that the owner has obtained a building permit that expires on April 17, 2011 as ordered by the City Council. Electrical, plumbing and mechanical permits remain to be obtained by the contractors. CS Gregory stated that the substandard list from the most recent inspection has been mailed to the owner. It was noted that inspections are to be scheduled every two weeks by the owner and Staff has not been contacted for any voluntary inspections.

CA Elam stated that the process has begun to file with district court. Mrs. Vega, property owner, asked the purpose of district court. CA Elam replied that the purpose of district court is to obtain compliance.

CA Elam stated that the owner had failed to comply with a Council order to provide a detailed plan of action.

No action was taken.

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

15. CONSIDER APPROVAL OF **ORDINANCE # 875-2011** PURSUANT TO SECTION 12.08 OF THE CITY CHARTER REQUIRING BONDING OF CITY EMPLOYEES.

CS Gregory stated that this ordinance is necessary to comply with the City Charter in order to set the requirements of bonding city employees.

Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 875-2011 as presented. All voted "Aye."

16. CONSIDER APPROVAL OF **RESOLUTION # 693-2011** THAT APPROVES SUBMISSION OF THE GRANT APPLICATION FOR *GRANT APPLICATION NUMBER 2501601* (COMPUTERS) TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

No discussion occurred.

Council Member Crews moved, seconded by Council Member Butler, to approve Resolution No. 693-2011 as presented. All voted "Aye."

17. CONSIDER APPROVAL OF **RESOLUTION # 694-2011** THAT APPROVES SUBMISSION OF THE GRANT APPLICATION FOR *GRANT APPLICATION NUMBER 2477801* (LIVE SCAN) TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

No discussion occurred.

Council Member Crews moved, seconded by Council Member Butler, to approve Resolution No. 694-2011 as presented. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 695-2011** THAT APPROVES SUBMISSION OF THE GRANT APPLICATION FOR *GRANT APPLICATION NUMBER 2504301* (RECORDER) TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

No discussion occurred.

Council Member Crews moved, seconded by Council Member Butler, to approve Resolution No. 695-2011 as presented. All voted "Aye."

PUBLIC FORUM:

19. 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**

Citizen John Claridge asked if the City could sponsor LYSA scholarships from dollar donation funds. Council Member Holland replied that public money could not be given to private individuals.

LYSA President Sanders gave an invitation to opening day at McGee Park on April 9, 2011. Lunches will be available for \$5, with all proceeds going toward scholarships.

Mayor Earwood announced that former City Secretary Linda Ryan and her husband had lost a granddaughter in a recent fire.

Mayor Earwood announced that Merle Bradley, Bradley Florist, had passed away.

Mayor Earwood announced that a representative from Quik Trip would be the guest speaker at the Community Luncheon on March 22, 2011.

Mayor Earwood announced that NASJRB is hosting an air power display on April 16 and 17, 2011.

Mayor Earwood announced that tickets are available for the Annual CCDAC fundraising auction to be held on April 14, 2011.

EXECUTIVE SESSION:

20. 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:

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


None.

ADJOURN:


22. ADJOURN

At 8:28 p.m. Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary