

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND (OUT OF TOWN)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
FIRE CHIEF BILL CREWS
OFFICE MANAGER PAULA BAGWELL
LIBRARY DIRECTOR MARY EARWOOD
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 22, 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

Joe Ashton 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 10-17, 2011 as Navy Week.

Mayor Earwood read a proclamation recognizing April 1, 2011 as the 25th Anniversary of the Founding of MedStar Emergency Medical Services.

Mayor Earwood read a proclamation declaring March 2011 as March for Meals Awareness Month in Tarrant County. The proclamation was presented to a representative for Meals on Wheels.

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 MARCH 8, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING MARCH 22, 2011

Council Member Crews moved, seconded by Mayor Pro Tem 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 TO REPAIR MCGEE PARK POLE LIGHTING AS BUILDING MAINTENANCE EXPENDITURE

Mayor Earwood presented a concern at McGee Park that the ball field lights pose a possible danger due to deterioration causing the lights to be improperly secured. The recommendation of Lone Star Electric was presented to repair three fixtures, replace a glass cover for ball park lights, replace a glass lens for the security light, tighten, re-aim, and check for safety on all 44 fixtures on 8 poles for \$3,437. The option to re-lamp all 44 fixtures was mentioned at an additional cost of \$3,236. Staff presented the choice to fund the expenditure from dollar donations or building maintenance.

Discussion occurred related to a broken piece of playground equipment. Park Board Chairman Makarwich yielded to the decision of the Council due to the urgency to repair or remove the equipment. Mayor Earwood directed Staff to isolate the equipment and get cost estimates for repair to be presented to the Park Board.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the repair of McGee Park lighting as a building maintenance expenditure in the amount of \$3,437 as presented. All voted "Aye."

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.

Mayor Earwood stated that the owner claims to have made progress. CS Gregory reported that Staff would perform an inspection on Thursday March 24, 2011. It was noted that the owner has not presented a detailed plan of action as directed by the City Council.

No action was taken.

9. CONSIDER APPROVAL OF CHANGE ORDER WITH HALL ALBERT CONSTRUCTION FOR LONG AVENUE/GLENWICK SEWER LINE RENOVATION

PW Interim Director Hatley requested approval for a change order to a contract with Hall Albert to install two additional manholes that are necessary to provide maintenance and access to a sewer line in excess of 1,000 feet.

Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve the change order with Hall Albert Construction for Long Avenue/Glenwick sewer line renovation in the amount of \$8,440 as presented. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON COMPUTER SYSTEM SURVEY AND UPGRADES AS RECOMMENDED BY AMERICAN INTEGRATION

CS Gregory presented the computer survey and recommendations of American Integration. Some of the deficiencies can be resolved through the planned maintenance agreement. Additional cost requested by Staff are as follows: additional software for \$2,300; Police Department server for \$4,000; and three new computers for \$3,300, of which \$1000 can be paid from court technology. Staff proposed to pay the total of \$8,500 from the \$12,000 that was budgeted in the "Council approved" account.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve the computer system survey and upgrades as recommended by American Integration from the council approved account. All voted "Aye."

Staff was directed to include Council computers in the Avast anti-virus installation.

11. DISCUSSION AND/OR ACTION ON PROPOSED CITY DRESS CODE POLICY FOR THE CITY ADMINISTRATION AND LIBRARY OFFICE PERSONNEL AS PRESENTED BY OFFICE MANAGER PAULA BAGWELL

Office Manager Bagwell presented a dress code policy for City Administration Staff.

Council Member Butler mention concerns related to the prohibition of sleeveless shirts and/or dresses and the guideline requiring skirts to come over the top of boots.

Mayor Earwood stated that supervisors should be supported in their efforts to create and enforce a dress code policy.

Citizen Wayne Butler asked if any employees are upset to the point of resignation. Office Manager stated that no employees had expressed the desire to resign.

Library Director Mary Earwood presented a dress code for library personnel.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Resolution No. 696-2011 amending the employee personnel policy establishing a dress code for City office personnel as presented.

Council Member Crews stated that if an employee becomes upset to the point of resignation, arrangements be made for meetings following the chain of command.

Mayor Pro Tem Gordon amended the motion to include the ability for personnel to follow the chain of command to resolve any disagreements with the policy. Council Member Crews seconded the motion. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON BMX TRAIL GROUNDBREAKING CEREMONY TO BE HELD ON MARCH 26, 2011 AT 12 NOON IN WOOLDRIDGE PARK

Park Board Chairman Makarwich extended an invitation to attend the BMX Trail Groundbreaking Ceremony at Wooldridge Park on March 26, 2011 at 12:00 p.m.

No action was taken.

13. APPROVAL OF EXPENDITURE FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR ADDITIONAL COSTS ASSOCIATED WITH THE PURCHASES OF ELECTRIC PROJECTOR SCREEN, WATER SLIDE AND LAMINATOR

CS Gregory requested an additional \$144.53 to cover the cost of shipping and brackets to secure the projector screen that was previously approved by the City Council. The total amount requested is \$4,898.43 for the slide, and the laminator and worktable, both approved at the last Council Meeting, and for shipping and brackets for the screen.

Council Member Crews moved, seconded by Council Member Minter, to approve Ordinance No. 876-2011 amending the FY 2010-2011 budget for City dollar donation fund expenditures. All voted "Aye."

14. DISCUSSION AND/OR ACTION IN SUPPORT OF MAYORS COUNCIL RESOLUTIONS REGARDING BILLS FILED IN THE 82ND LEGISLATURE

Mayor Earwood requested Council direction prior to drafting the resolutions in support of the Mayor's Council recommendations regarding some bills filed in the 82nd Legislature.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to support all three resolutions regarding bills filed in the 82nd Legislature. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5414 BAYLOR AVE.**

At 8:23 p.m. Mayor Earwood opened the public hearing.

CS Gregory stated that HUD owns this property.

Due to the lack of photographic evidence, no further discussion occurred.

Mayor Earwood announced that this public hearing would remain open and be continued at the regular meeting of the City Council on April 12, 2011 at 7:00 p.m.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **5414 BAYLOR AVE.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

17. **PUBLIC HEARING:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1716 LAWTHOR DR.**

At 8:09 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders reported structural, electrical and plumbing violations at the vacant property. No photos were available.

Victor Walker, estate executor, was present to request additional time to sell the property in the current condition. Mr. Walker stated that the bank would foreclose on the property should he not be able to sell it.

Council directed Mr. Walker to secure the property immediately and maintain the appearance.

Mayor Earwood announced that this public hearing would remain open and be continued at the regular meeting of the City Council on April 26, 2011 at 7:00 p.m.

Mr. Walker asked if the house would be demolished. Mayor Earwood stated that the Council could take action to order the house repaired or demolished at the City Council Meeting on April 26, 2011.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1716 LAWTHOR DR** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

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

19. CONSIDER APPROVAL OF **ORDINANCE # 876-2011** AMENDING THE FY 2010-2011 BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE

Refer to agenda item no. 13 for action on this item.

20. CONSIDER APPROVAL OF **RESOLUTION # 696-2011** AMENDING THE EMPLOYEE PERSONNEL POLICY ESTABLISHING DRESS CODE FOR CITY OFFICE PERSONNEL

Refer to agenda item no. 11 for action on this item.

21. STAFF REPORT ON CODE ENFORCEMENT VIOLATIONS AT 1463 GREENBRIER

PC Chisholm reported that the visibility/traffic obstruction has satisfactorily been abated at this time. Concern was expressed that the shrubs, although not a hazard at this time, will continue to grow and could repeatedly constitute a hazard.

STAFF REPORT:

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

Inspector Sanders gave the following updates on substandard properties:

- 4833 OHIO GARDEN RD. – an inspection is scheduled for March 24, 2011.
- 1129 ST. EDWARDS – no change, the City maintains the property and files liens for mowing and cleanup as necessary. Staff was directed to present delinquent tax and lien information at the next regular meeting
- 1621 LONG AVE. – continual progress with permits expiring April 8, 2011
- 1218 YALE ST. – permits may be issued that expire May 9, 2011. No work has been started and no permits obtained

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

- 5501 BLACK OAK LANE – stairs have been replaced and owner must schedule a final inspection
- 5311 CORNELL – HUD property, no enforcement action until ownership changes
- 4821 ALMENA – secured and vacant with active permits expiring August 17, 2011
- 5314 AMHERST – accessory structure with a building permit that expires July 24, 2011
- 1712 LAWTHORP – plumbing repairs approved. Christmas in Action is working with the owner.

- 5414 BAYLOR – refer to agenda items 15 and 16 for discussion and/or action
- 1716 LAWTHER – refer to agenda items 17 and 18 for discussion and/or action

24. RELEASED FROM SUBSTANDARD:

- 1205 ROBERTS CUT OFF – demolished by the owner, released from substandard

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

25. 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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

29. 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.

30. 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.

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

No discussion or action.

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

No discussion or action.

33. **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.

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

FC Crews reported that BIG recipient Diego Pedroza has chosen to abandon the grant and allow the carport structure to remain on the property.

35. **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 stated that the Task Force was present at the Community Center Open House to distribute backpacks.

Storm Water Task Force Chairman Hatley stated that TCEQ had approved the Storm Water Management Plan as amended and submitted.

CS Gregory stated that Staff would begin notification to educate the businesses about the recently adopted ordinance controlling car washes on commercial property.

CS Gregory stated Staff is developing a notification newsletter to residents that would be presented to the Council for approval at the next regular meeting.

WORKSHOP:

36. DISCUSSION OF PROPOSED TEXT AMENDMENTS TO THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE.

Council Members opted to hold a joint workshop with the Planning and Zoning Commission on April 5, 2011 at 6:00 p.m. at the Community Center to finalize the recommended changes to the Zoning Ordinance prior to public hearings.

37. ACTION, IF ANY FROM WORKSHOP

None.

PUBLIC FORUM:

38. 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**

Sherrie Uptmore-Dast inquired about a vacant property on Long Ave. Inspector Sanders reported that the City has declared the property substandard and secured the property by boarding up the doors and windows to prevent unauthorized re-entry.

Steve Sanders gave an invitation to LYSA Opening Day activities at McGee Park on April 9, 2011 beginning at 10:00 a.m.

Mayor Earwood mentioned the potential economic impact of the upcoming Quik Trip location at the corner of River Oaks Blvd and Jacksboro Hwy and the construction of the new schools in the area.

EXECUTIVE SESSION:

39. 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:

40. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

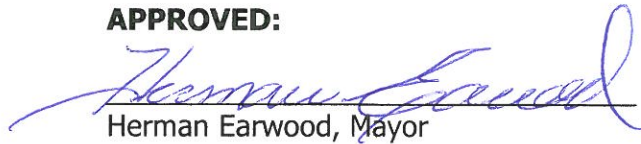
None.

ADJOURN:


41. ADJOURN

At 8:56 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