

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 23, 2010**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND (FAMILY MEDICAL)

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 23, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Crews delivered the Invocation.

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

Citizen Wayne 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 MARCH 9, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING MARCH 23, 2010
- C. APPROVE MAYORS RECOMMENDATION FOR THE HIRING OF A CODE ENFORCEMENT OFFICER
- D. APPROVE RECOMMENDATION TO HIRE NATHAN WILSON AS A PATROL OFFICER
- E. APPROVE THE RESIGNATION REQUEST OF JAY TANNER AS THE PLACE 1 BOARD OF DIRECTOR ON THE ECONOMIC DEVELOPMENT CORPORATION

F. APPROVE THE RESIGNATION REQUEST OF LAUREN TANNER FROM THE ZONING BOARD OF ADJUSTMENTS AND THE CENSUS COMMITTEE

Mayor Pro Tem Crews requested that the Minutes of City Council Meeting March 9, 2010, Item No. 16 be corrected to state "the Economic Development Corporation Coordinator" instead of "the Economic Development Corporation."

Council Member Gordon requested that Minutes of City Council Meeting March 9, 2010, Item No. 15 be amended to state "\$5,000 to Park Improvements" instead of "\$5,500 to Park Improvements."

Mayor Pro Tem Crews moved, seconded by Council Member Gordon to approve consent agenda items A, B, C, D, E and F as corrected. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. APPEARANCE OF SHIRLEY WHEAT, SPECIAL EVENTS COORDINATOR, REGARDING APPROVAL OF THE SCHEDULE FOR UPCOMING SPECIAL EVENTS AND APPROVAL OF THE ALL AMERICAN FESTIVAL IN JUNE

Shirley Wheat, Special Events Coordinator, and Shirley Bloomfield, Community Center Co-Director, were present to request permission to relocate the Annual All American Celebration from the elementary school grounds to the parking lot of Super Save. Ms. Wheat stated the Super Save Manager, Larry Mills, is supportive of the event relocating to their parking lot. Ms. Wheat mentioned the possibility of a small carnival along the west side of the parking lot. The carnival vendor would manage the entire carnival and provide liability insurance, relieving the City of any liability for that portion of the event.

Council Members discussed the advantage of increased visibility in the Super Save parking lot. Council Members discussed the possibility of parking congestion at Super Save. Council Member Gordon suggested that the school grounds could be used for family style picnics and viewing of the fireworks.

Ms. Wheat noted that the annual Easter Egg Hunt would take place on April 3, 2010 at the Community Center. Council Member Crews stated that the City Council has not approved the Easter event.

Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to relocate the All American Celebration to the Super Save Parking Lot and requested additional information pertaining to the carnival rides and the number of vendor booths from the Special Events Coordinators. All voted "Aye."

8. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR FUND IN ORDER TO PURCHASE A LIGHT BAR

Mayor Pro Tem Crews stated that the light bar currently used by the Community Center is the personal property of Cameron Wheat. Mayor Pro Tem Crews stated that a light bar is necessary to provide adequate lighting for events such as the monthly gospel show.

Council Member Butler moved, seconded by Council Member Gordon, to expend funds, not to exceed \$1,000, from the Community Center Dollar Donation Fund to purchase a light bar as presented. All voted "Aye."

9. APPEARANCE OF TUESDAY COOLEY REQUESTING APPROVAL FOR THE CITY TO CO-SPONSOR A CAR SHOW AT THE COMMUNITY CENTER ON JUNE 12TH

Royce Shields was present to request approval of the City to co-sponsor a car show at the Community Center on June 12, 2010 in conjunction with O' Reilly Auto Parts. Mr. Shields stated that O' Reilly's has offered to contribute the \$500 for D & D Rockin Rods to manage the event. Mr. Shields requested that the City attempt to install a light on the pole near the volleyball court.

Mayor Pro Tem Crews moved, seconded by Council Member Butler, to approve to co-sponsor a car show at the Community Center on June 12, 2010. All voted "Aye."

10. CONSIDER APPROVAL TO EXPEND FUNDS FROM COURT TECHNOLOGY IN ORDER TO UPGRADE THE CHAMBER VIDEO SYSTEM

CS Gregory presented the opportunity to replace the projector system that is currently in the Court/Council Chambers with a video system that includes two flat screen monitors, a DVD Player, and all the essential cables and equipment from the court technology fund in the amount of \$4,419.

Council Member Gordon moved, seconded by Council Member Minter, to expend funds from Court Technology to upgrade the chamber video system as presented. All voted "Aye."

11. CONSIDER APPROVAL TO SCHEDULE A WORKSHOP ON FUTURE BUILDING UPGRADES TO THE COURT CHAMBERS

Mayor Earwood recommended that a committee, including Mayor Pro Tem Crews, PC Chisholm, and FC Crews, investigate other city court and council chambers and present ideas for renovations at a workshop.

No action was taken.

12. CONSIDER APPROVAL TO PURCHASE THE MOTION PICTURE LICENSING CORPORATION (MPLC) UMBRELLA LICENSE IN ORDER TO SHOW MOVIES AT THE COMMUNITY CENTER

Mayor Earwood stated that in order to show movies at the Community Center a Motion Picture Licensing Umbrella License is required annually. The cost of the license is \$505. Mayor Pro Tem Crews noted that admission cannot be charged, however, concessions can be sold at movie events.

Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to purchase the Motion Picture Licensing Corporation Umbrella License in order to show movies at the Community Center, not to exceed \$505 to be paid from membership dues. All voted "Aye."

13. CONSIDER APPROVAL FOR DOUGLASS D DISTRIBUTING TO FURNISH AND INSTALL ABOVE GROUND FUEL TANKS AND PROVIDE FUEL FOR CITY VEHICLES AND EQUIPMENT

CS Gregory presented information related to the installation of some above ground fuel tanks that would supply diesel and unleaded fuel at City Hall and diesel fuel at the water treatment facility at no cost to the City for the tanks. Staff expects the initial cost of approximately \$10,700 to include \$5,200 for electrical work and \$5,500 to install a fuel control system that would allow for monitoring of fuel usage with the automated key system currently used at City Hall. CS Gregory indicated that the cost of the system could be recovered within the first year of use.

CA Elam requested that a contract be written and approved by the City Attorney's office prior to finalization.

Mayor Pro Tem Crews moved, seconded by Council Member Minter, to enter into an agreement, once approved by the City Attorney, with Douglass D Distributing to furnish and install ground fuel tanks and provide fuel for City vehicles and equipment. All voted "Aye."

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

14. CONSIDER APPROVAL OF RESOLUTION # **672-2010** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE APRIL 1, 2010 THRU SEPTEMBER 30, 2010 OPERATING BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (SECOND READING)

No discussion occurred.

Council Member Gordon moved, seconded by Council Member Butler, to approve Resolution No. 672-2010 (second reading) as presented. All voted "Aye."

15. CONSIDER APPROVAL OF RESOLUTION # **674-2010** ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION & THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS

CS Gregory stated that the City has been a member of this Steering Committee for two years. The Steering Committee was formed to protect the interest of cities and their

residents with regard to electric rates. The Steering Committee indicates that that PUC (Public Utilities Commission) and ERCOT (Electric Reliability Council of Texas) have failed to correctly manage operations. The Steering Committee is expected to recommend legislative reforms that promote a competitive market that can save consumers money and reduce costs.

Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve Resolution No. 674-2010 as presented. All voted "Aye."

16. CONSIDER APPROVAL OF ORDINANCE # **836-2010** AMENDING THE 2009-2010 BUDGET FOR EXPENDITURES OF DOLLAR FUNDS DURING THE 2009-2010 FISCAL YEAR FROM THE PARK, COMMUNITY CENTER, LIBRARY AND FIRE DEPARTMENT

CS Gregory presented Ordinance No. 836-2010 amending the fiscal year budget to incorporate all dollar donation expenditures for the fiscal year. CS Gregory corrected the original submittal to include \$1,000 for the light bar at the Community Center as approved by the City Council during agenda item 8.

Council Member Gordon moved, seconded by Council Member Minter, to approve Ordinance No. 836-2010 as corrected by CS Gregory. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

17. **PUBLIC HEARING:** APRIL 1, 2010 - SEPT. 30, 2010 OPERATING BUDGETS

At 8:32 p.m. Mayor Earwood opened the public hearing.

CS Gregory presented the projected totals for the six-month operating budgets for all departments as follows: general fund revenues of \$1,358,662 with expenditures of \$2,090,144, resulting in a deficit of \$731,482; water fund revenues of \$1,444,600 and expenditures of \$1,444,600, resulting in a balanced budget; EDC revenues of \$77,600 and expenditures of \$271,060, resulting in a deficit budget of \$ 193,460; Crime Control and Prevention District revenues of \$69,850 and expenditures of \$63,275, resulting in a surplus budget of \$ 6,575.

At 8:46 p.m. Mayor Earwood closed the public hearing.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 837-2010** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD APRIL 1, 2010 - SEPT. 30, 2010

Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve Ordinance No. 837-2010 adopting the River Oaks Operating Budgets for the period April 1, 2010 through September 30, 2010. All voted "Aye."

STAFF REPORTS:

19. **STAFF REPORT ON SUBSTANDARD PROPERTIES AT:**

- 4833 OHIO GARDEN RD. – CS Gregory reported correspondence with the City Attorney regarding this property. No additional report was given.
- 1129 ST. EDWARDS – CS Gregory reported correspondence with the City Attorney regarding this property. No additional report was given.
- 1728 HILLSIDE – Inspector Sanders reported a new owner for this property. CS Gregory stated that the new owner would be required to abate all substandard conditions.

20. **SUBSTANDARD PROPERTIES UNDER VOLUNTARY COMPLIANCE AT:**

- 1412 LAWRENCE – Inspector Sanders reported continued progress that should result in compliance by the permit expiration date given of 04/16/2010.
- 724 THERSA - Inspector Sanders reported continued progress that should result in compliance by the permit expiration date given of 04/15/2010.
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- 511 FRONTIER – Inspector reported significant progress that should result in an approved certificate of occupancy within a few weeks, allowing the owner to move into the new structure.

21. **REPORT ON PROPERTIES UNDER SUBSTANDARD CONSIDERATION AT:**

- 1201 OXFORD – Inspector Sanders reported that this property has been deemed substandard and must apply for voluntary compliance by April 22, 2010. Inspector Sanders added that this property is in foreclosure.
- 4908 MONTROSE – Inspector Sanders reported a structure fire caused minimal damage to this property. The owner has until April 2, 2010 to obtain 30-day permits to repair the damage.

22. **REPORT ON SUBSTANDARD PROPERTIES RELEASED:**

- 4804 ARC – Inspector Sanders reported that this property is in compliance with a completed certificate of occupancy.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

23. **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.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

27. 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.

28. 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.

29. PARK BOARD MONTHLY ACTIVITY REPORTS INCLUDING BALLFIELD RENTALS
AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

No discussion or action.

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

31. 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.

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

No discussion or action.

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

No discussion or action.

[At 8:55 p.m. Mayor Earwood convened into executive session under Sections 551.071, 551.072, 551.074 and 551.076.]

[At 9:04 p.m. Mayor Earwood reconvened into regular session.]

PUBLIC FORUM:

34. 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 Pro Tem Crews mentioned a complaint that was filed on the website in which a rental customer was denied use of some sound equipment at the Community Center. Mayor Earwood commented that during a Council Workshop, guidelines were put in place that indicated only City employees were allowed to operate City sound equipment. Mayor Pro Tem Crews requested to view any written policies indicating such guidelines. Mayor Pro Tem Crews stated that certain civic organizations have been allowed use of sound equipment without a City employee being present. Mayor Pro Tem Crews requested that the City Council discuss and take action on this topic at the next regular meeting of the City Council.

Mayor Pro Tem Crews noted that a letter of intent to cancel a contract with Premier Pyrotechnics was included in the packet to the City Council. Mayor Pro Tem Crews explained that Premier Pyrotechnics is going out of business and the City would not be penalized for canceling the contract.

Nancy Crews announced that the annual CCDAC (Castleberry Community Drug Free Awareness Coalition) auction and fundraiser would be held at the Community Center on April 8, 2010 at 6:30 p.m.

Don Istook announced that CCI (Citizens for Community Involvement) would hold a March/March for Pre-K through 1st grade students and their families. The event would include a tour of the City Complex and conclude at the elementary school with hot dogs and drinks for participants and volunteers.

Sherrie Uptmore-Dast announced that the 38th Annual Chamber of Commerce Easter Egg Hunt would be held at Inspiration Point on April 3, 2010 at 10:00 a.m.

Royce Shields inquired about the status of the monument sign to be installed at City Hall. CS Gregory responded that the installation and programming of the sign should be complete within a week.

EXECUTIVE SESSION:

35. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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 8:55 p.m. Mayor Earwood convened into executive session under Sections 551.071, 551.072, 551.074 and 551.076. as indicated prior to agenda item 34.]

RECONVENE:

[At 9:04 p.m. Mayor Earwood reconvened into regular session as indicated prior to agenda item 34.]

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

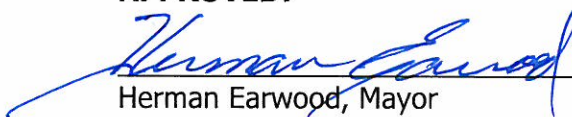
No action was taken.

ADJOURN:

37. ADJOURN

At 9:14 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary