

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
APRIL 12, 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  
OFFICE MANAGER PAULA BAGWELL  
BUILDING INSPECTOR STEVE SANDERS  
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, April 12, 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**

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 2011 as Tarrant Cares Month in the City of River Oaks.

[At 7:05 p.m. Mayor Earwood convened into executive session under 551.071-Pending or contemplated litigation or to seek advice from attorney and 551.074-Personnel.]

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

**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 22, 2011

B. MINUTES OF JOINT WORKSHOP WITH PLANNING AND ZONING COMMISSION ON APRIL 5, 2011

C. BILLS PAYABLE FOR PERIOD ENDING APRIL 12, 2011

Mayor Pro Tem Gordon requested an amendment to the Minutes of the Joint Workshop with Planning and Zoning Commission on April 5, 2011, stating that Mayor Earwood was absent from that meeting.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve consent agenda items A, B, and C with the recommended change to consent agenda item B. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 CHARLES WALSH REGARDING ZONING ORDINANCE PROVISIONS MANDATED FOR DRIVEWAY CONSTRUCTION**

Mr. Walsh was not present.

**No discussion occurred and no formal action was taken.**

**8. ROYCE SHIELDS REGARDING FUTURE PLANS FOR THE ANNUAL CHRISTMAS PARADE**

Royce Shields, Parade Chairman, was present to receive input on continuing the annual Christmas Parade. Discussion occurred that included a possible route change, decreases in attendance related to the weather and the prohibition of throwing candy at parades. Council unanimously supported the idea to continue with the Christmas Parade and suggested forming a committee that included Royce Shields, Secretary Stewart, Community Center Directors, and a council member.

Royce Shields reported a successful car show on April 9, 2011 at the Community Center, stating that an annual car show in April is a possibility.

**No action was taken.**

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

Jene Vega was present and declined the opportunity to speak. No discussion occurred.

**No action was taken.**

10. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER PROGRAMS AND/OR EVENTS AS PRESENTED BY SHIRLEY WHEAT AND SHIRLEY BLOOMFIELD.

- i. SET UP SLIDE ON MAY 13TH FOR SPECIAL NEEDS CHILDREN WHO ASSISTED WITH SENIOR MEALS AT COMMUNITY CENTER
- ii. FARMERS MARKET IN JULY, AUGUST AND SEPTEMBER
- iii. SPLASH DAY WITH NEW SLIDE ON MAY 28<sup>TH</sup> FROM NOON UNTIL 8:00 P.M.

**Slide for special needs children who assist with senior meals**-recommended to reward CISD special needs students with a hot dog lunch and slide party on May 13, 2011.

**Farmer's market**-proposed to occur one Saturday per month in July, August, and September. It was noted that the zoning ordinance must be amended in order to allow farmer's market style events.

**Splash Day**-this request was removed.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve items i and ii as presented with more details on the Farmer's Market to be presented to the Council as available.**

It was noted that the zoning ordinance must be amended that would allow farmer's market style events through Council approved resolutions.

**All voted "Aye."**

11. CONSIDER APPROVAL OF PARK BOARD RECOMMENDATION TO REMOVE PICNIC TABLE CANOPIES AND TO REPAIR PLAYGROUND EQUIPMENT AT MCGEE PARK.

Interim PWD Hatley presented the recommendation of the Park Board to remove one potentially hazardous canopy over a picnic table at McGee Park. PWD Hatley reported that additional canopies are in need of repair or replacement in the near future.

Interim PWD Hatley presented the recommendation of the Park Board to purchase replacement parts to repair some playground equipment.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the removal of the hazardous equipment at McGee Park and presented options for repair and/or replacement of the other equipment as discussed. All voted "Aye."**

12. CONSIDER APPROVAL OF MAYOR'S RECOMMENDATION TO APPOINT JAMES HATLEY AS THE CITY'S PUBLIC WORKS DIRECTOR.

No discussion occurred.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve James Hatley at the City's Public Works Director. All voted "Aye."**

13. CONSIDER APPROVAL OF MAYORS RECOMMENDATION FOR SALARY ADJUSTMENT OF THE CITY SECRETARY

Mayor Earwood announced that this agenda item would be presented at the mid-year budget discussions.

**No action was taken.**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

14. **PUBLIC HEARING CONTINUED FROM MARCH 22, 2011:** SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **5414 BAYLOR AVE.**

Mayor Earwood announced that this public hearing was continued from March 22, 2011.

Inspector Sanders showed photos and cited structural, plumbing, and electrical violations that constitute hazardous conditions. Inspector Sanders recommended that the council declare the property substandard and adopt Resolution No. 697-2011 urging HUD to abate the substandard conditions.

At 8:38 p.m. Mayor Earwood closed the public hearing.

15. **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.

**Council Member Holland made the following motion "I find that the Buildings located at 5414 Baylor Ave based on evidence presented at the hearing, are substandard and move to adopt Resolution No. 697-2011 urging and imploring the Secretary of Housing and Urban Development to abate the substandard housing. Motion seconded by Council Member Crews. All voted "Aye."**

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

16. CONSIDER APPROVAL OF **RESOLUTION # 698-2011** IN SUPPORT OF HJB 56 RESTRICTING THE POWER OF THE LEGISLATURE TO MANDATE REQUIREMENTS UPON CERTAIN LOCAL GOVERNMENTS; AND PROVIDING AN EFFECTIVE DATE.



**Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve Resolution 698-2011 as presented. All voted "Aye."**

17. CONSIDER APPROVAL OF **RESOLUTION # 699-2011** URGING THE 82<sup>ND</sup> TEXAS LEGISLATURE TO ENACT REVENUE MEASURES TO FUND TRANSPORTATION INVESTMENT.

**Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Resolution 699-2011 as presented. All voted "Aye."**

18. CONSIDER APPROVAL OF **RESOLUTION # 700-2011** AMENDING RESOLUTION NUMBER 691-2011 CALLING THE MAY 14, 2011 GENERAL ELECTION; REVISING SECTION 2 "JOINT ELECTION AGREEMENT APPROVED" BY APPROVING THE JOINT ELECTION CONTRACT WITH TARRANT COUNTY; AND REVISING SECTION 4a "EARLY VOTING BY PERSONAL APPEARANCE" TO INCLUDE EARLY VOTING SITES ADDED DUE TO JOINT ELECTIONS WITH OTHER POLITICAL SUBDIVISIONS; PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

CS Gregory summarized the two changes as 1) the official early voting locations and 2) the final contract with Tarrant County to administer the election in the amount of approximately \$9,000.

**Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution 700-2011 as presented. All voted "Aye."**

18. CONSIDERANDO LA APROBACION DE LA **RESOLUCION # 700-2011** ENMENDANDO LA RESOLUCION NUMERO 691-2011 CONVOCANDO LA ELECCION GENERAL DEL 14 DE MAYO DEL 2011; ENMENDANDO LA SECCION 2 " ACUERDO APROBADO PARA UNA ELECCION EN CONJUNTA" AL APROBAR EL CONTRATO DE LA ELECCION EN CONJUNTA CON EL CONDADO TARRANT; Y ENMENDANDO LA SECCION 4a "VOTACION ADELANTADA POR PRESENCIA PERSONAL" PARA INCLUIR SITIOS DE VOTACION ADELANTADA AGREGADOS DEBIDO A LAS ELECCIONES CONJUNTAS CON OTRAS SUBDIVISIONES POLITICAS; PROPORCIONANDO UNA CLAUSULA DE DEROGACION Y PROPORCIONANDO UNA FECHA EFECTIVA.

SC Gregory resumió los dos cambios como: 1) los lugares oficiales para votación adelantada y 2) el contrato final con el Condado Tarrant para administrar la elección por un monto de aproximadamente \$9,000.

**Concejal Butler avanzo, secundada por la Sub-Alcalde Gordon, para aprobar la Resolución 700-2011 como fue presentada. Todos votaron "Sí".**

19. CONSIDER APPROVAL OF **RESOLUTION # 701-2011** AUTHORIZING PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING PAYMENT OF FIVE CENTS PER CAPITA; AND PROVIDING AN EFFECTIVE DATE.

CS Gregory presented the opportunity to participate in the Atmos Cities Steering Committee with benefits such as strength in numbers and the preparation of some necessary legal documents.

**Council Member Crews moved, seconded by Council Member Butler, to approve Resolution 701-2011 as presented. All voted "Aye."**

**PUBLIC FORUM:**

20. 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**

Council Member Butler promoted the CCDAC Fundraiser occurring at the Community Center on April 14, 2011.

Council Member Holland asked if an email complaint had been researched. PC Chisholm acknowledged the situation and stated that Council had been provided pertinent information.

~~Mayor Pro Tem Gordon~~ Council Member Butler read a letter of commendation from a former resident complementing the physical appearance of the City of River Oaks

Mayor Pro Tem Gordon urged participation in "Clean Up Day" on April 30, 2011 in order to continue to beautify the city.

Royce Shields asked the Council to consider an ordinance that would prohibit outdoor storage that creates an eye-sore.

Mayor Earwood stated that Quik Trip has encountered a possible obstacle of creating a median cut on Jacksboro Highway.

Mayor Earwood promoted the Air Power Expo occurring at NASJRB this weekend.

Mayor Earwood stated that the Dollar Store has planned a grand opening for April 13, 2011.

Hub Makarwich inquired about the former Ball's gas station. Inspector Sanders reported minimal but continual progress.

Mayor Earwood mentioned that Walmart may have purchased the property that the Fort Worth Auto Auction has vacated on Jacksboro Highway.

Nancy Crews promoted the Castleberry ISD Health Fair on May 21, 2011.



**EXECUTIVE SESSION:**

21. 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. Interim Public Works Director James Hatley and City Secretary Marvin Gregory.
- d. Section 551.076 Deliberation regarding security devices

[At 7:05 p.m. Mayor Earwood convened into executive session under 551.071-Pending or contemplated litigation or to seek advice from attorney and 551.074-Personnel.]

**RECONVENE:**

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

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

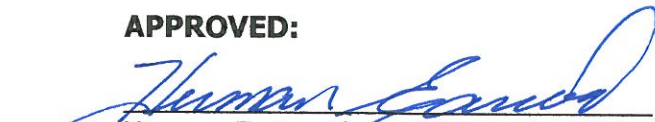
**Refer to agenda item 12 for action taken.**

**ADJOURN:**


23. ADJOURN

**At 8:58 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