

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 27, 2010**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF BILL CREWS
OFFICE MANAGER PAULA BAGWELL
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
BUILDING INSPECTOR STEVEN SANDERS

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 27, 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

City Attorney Betsy Elam 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 May 2010 as Motorcycle Safety and Awareness Month.

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 APRIL 13, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING MARCH 31, 2010 (09-10 FISCAL YEAR)
- C. BILLS PAYABLE FOR PERIOD ENDING APRIL 27, 2010 (10-10 FISCAL YEAR)
- D. APPROVE RESIGNATION OF ANIMAL CONTROL OFFICER
- E. APPROVE CRIME DIST. 4TH QUARTER REPORT

Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to approve consent agenda items A, B, C, D and E 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. DISCUSSION AND/OR ACTION ON SOLAR PANEL TECHNOLOGY AS PRESENTED BY ROBERT WAGONER OF SRE 3 STANDARD RENEWABLE ENERGY.

Robert Wagoner of SRE 3 Standard Renewable Energy stated there will be 288 panels on all three roofs. These panels will be installed in phases starting with the Fire Hall and Police Department building which will consist of 48 panels causing a 10% reduction in kilowatt usage. The Fire Hall consists of 40% of the energy, City Hall consists of 35% of energy, and the Library consists of 25% of the energy. Mr. Wagoner stated that in their estimation it would be cost effective for the City to start with installing solar panels on the roof over the Fire Hall and Police Department complex. There is a concern by Council Member Holland that the Fire Hall/Police Department panels will be generating more than what will be actually used. Mr. Wagoner said with the proper efficiencies (lights bulbs, a/c control, etc.) there will not be a problem.

The SECO Grant is projected to be \$40,000.00. Oncor will rebate 30% of the total project, which would cost the city about \$1,000.00. CS Gregory stated that the SECO Grant is actually projected only to be \$40,000 instead of the \$46,000 number used in the proposal, meaning the City cost would be at least \$7,000 instead of the reported \$1,000.

The rebate at this time is not guaranteed by Oncor. The City will have to pay 10% of the total project. This amount will be held until Oncor guarantees the rebate, then the 10% will be returned. Work will not start until all parties are satisfied (SRE 3 Standard Renewable Energy, City of River Oaks, and Oncor). Oncor has had this rebate program a few times in the past, and are re-opening the program. City Secretary Gregory guesses the SECO Grant will be available 90 days after the city enters into an agreement with a project.

Council Member Holland questioned how the panels hold up to hail damage. Robert Wagoner stated that he has not had a problem with hail. If damage occurs, it will fall under the cities insurance company.

Mayor Pro Tem Crews moved, seconded by Member Butler to approve the installation of the solar panels according to the proposal on page 36 in the council packet, to start with the Fire Hall and Police Department at a cost of \$47,069.00 subject to approval by the contract. All voted "Aye".

At this time, Mayor Earwood requested to move to item #12 DISCUSSION AND/OR ACTION ON COMMUNITY CENTER RENTAL TO THE LIONS CLUB

Jeanne Adkison, District Governor Elect of the River Oaks Lions Club was present. The River Oaks Lions Club is hosting a District Meeting on July 24, 2010. About 100-150 people from 9 counties in Texas are expected to attend this one day event. The Lions Club building will not occupy that many people. Mayor Earwood would like the Lions Club to use the Community Center, and the City to be able to use the Lions Club when needed at no charge to either group, but the Policy will need to be revised.

Member Butler moved, seconded by Member Gordon to approve the River Oaks Lions Club to use the Community Center on July 24, 2010 at no charge. All voted "Aye".

8. CONSIDER APPROVAL OF AWARD OF THE BID FOR THE WOOLDRIDGE PARK IMPROVEMENT PROJECT # WPK2010-0001.

Hub Makarwich and Norma Cumberledge of the River Oaks Park Board were present. City Secretary Gregory stated the bids for Wooldridge Park Phase I Skate Park and the alternate, were opened on April 19, 2010 at City Hall. Raydon, Inc. was the low bidder at \$65,553.80 for Phase I. The River Oaks Park Board held a Special Called Meeting on April 22, 2010 to discuss all bids line by line. The River Oaks Park Board recommends to accept the low bidder of Raydon, Inc. but to remove the litter receptacle from the bid, which will make the total cost be \$64,813.80. Electrical power was not included in the bid specs. With the electrical added in, it will make it a total of \$67,313.80. Also there will need to be one street light installed which will cost \$1,500.00 which brings a grand total of \$68,813.80. EDC budgeted \$44,000.00 and the Park Board budgeted \$10,000.00, which is about \$14,813.80 less than what is proposed to expend on this project.

Raydon, Inc. has done 60% of all of Fort Worth Parks and a lot of other parks. The best value for the alternate bid is also Raydon, Inc. at \$722,676.80. Cole Construction was cheaper on the alternate bid but had left out numerous items of the overall design. Mayor Earwood stated that we are in the process of working on grants, but they may not come in until after Phase I. Norma Cumberledge said the Wooldridge family has offered to donate \$10,000.00 to be used for the Wooldridge Park project, but be used for specific things. The Park Board will do the litter receptacle and the Bicycle Shop may donate the receptacle. The Park Board also wants to install the equipment themselves with guidance from the City of White Settlement. Mayor Pro Tem Crews would like the equipment installed professionally for many reasons. The main reason is the warranty issue.

Member Butler moved, seconded by Member Minter to amend the budget at the next meeting of \$14,813.00, to accept the bid from Raydon, Inc. of \$65,553.00 for Phase I and to approve \$1,500.00 for a single street light. All voted "Aye".

9. CONSIDER APPROVAL TO EXPEND COMMUNITY CENTER DOLLAR DONATION FUNDS FOR THE PURCHASE OF A MOTION PICTURE SCREEN.

Community Center Directors Shirley Bloomfield and Linda Baker were present. Recently, the City Council approved the Movie Licensing to show movies at the Community Center, but the center needs a screen to show the movies. CISD had temporarily loaned them one. The first movie is scheduled for May 7th, 2010. Mayor Pro Tem Crews said the screen will be hung from the beams, will be motorized and lowered to stage height. In the council packets are 3 prices from 3 different companies. Additional material will be needed to add to the screen.

Council Member Holland moved, seconded by Council Member Gordon to approve the expenditure from the Community Center Dollar Donation Fund of \$900.00 for the motorized screen and the material for the screen. All voted "Aye".

10. CONSIDER APPROVAL TO PURCHASE COMPUTER FOR CITY CHAMBERS FROM COURT TECHNOLOGY FUND

Fire Chief Bill Crews stated that Phase I is complete in the City Chambers, but had left out a new computer. The current computer will be moved into the Jury Room. The plan is also to replace the recorder with a digital recorder.

Council Member Gordon moved, seconded by Mayor Pro Tem Crews to approve the purchase of a computer for the City Chambers in the amount of \$899.00 to be taken out of the Court Technology Funds. All voted "Aye".

11. CITIZEN APPEARANCE OF MARGARET RAGAN AT 1116 YALE REQUESTING COUNCIL ACTION ON TRAFFIC PROBLEMS ON YALE ST.

Margaret Ragan and other citizens of the Yale area were present. Ms. Ragan passed around a video camera to the City Council that recorded the traffic in the Yale area. There is only one stop sign at Baylor & Notre Dame; there is nothing in between. They have noticed that the employees at the Base use Yale as a cut thru. Children can not cross the street on Tulane. The school bus will stop and have their flashing lights on, but cars continue to pass the bus. Residents in that area can not get out of their driveways in the morning hours of 6:30-9:00 am and also in the afternoon hours of 3:00-6:00 pm.

The citizens request a stop sign on Tulane, possible lowering the speed limit, and/or installing speed humps. Mayor Earwood said that speed humps may cause more harm than good. Police Chief Chisholm said the State of Texas requires a speed survey and that there are issues like this all over the city. The Police Officers are catching more speeders in other areas of River Oaks than on Yale. Council Member Gordon stated that we can not control the traffic on Yale, but can discuss installing stop signs. Police Chief Chisholm recommends after a traffic study is conducted it may be that installing a two way stop sign and a children at play sign could be warranted and just monitor the issue

from there. A citizen that lives on the corner of Yale and Tulane is a Fort Worth Police Officer. He notices that cars do not stop when the school buses are letting children out. He thinks that a stop sign might reduce speed. When he is in his police uniform and standing outside, cars see him and do slow down. He also recommended having a Police Officer monitor that area during those hours.

Mayor Earwood said for the citizens to work with Police Chief Chisholm regarding the stops signs. If a stop sign is warranted after the study is completed, it would require an ordinance be adopted in order to enforce it.

12. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER RENTAL TO THE LIONS CLUB

This item was moved to after item number 7.

13. CONSIDER APPROVAL TO ENTER INTO A SUMMER FOOD PROGRAM SERVICE WITH THE HELOISE MUNSON FOUNDATION

There was no one present to talk about this service. Mayor Earwood described what this program does. He found out that CISD has a similar program. He will not allow this program to interfere with the CISD program. Mayor Earwood called the representative of the Heloise Munson Foundation and told them the city will not go into an agreement with them.

14. PRESENTATION OF MOSQUITO SURVEILLANCE PROGRAM BY PUBLIC WORKS SUPERINTENDENT JAMES HATLEY.

Public Works Superintendent James Hatley was present to give the presentation. This is our sixth year to participate in this program with Tarrant County. Tarrant County provides the equipment to catch the mosquitoes; they also will do the testing on the mosquitoes, and the offer free classes for West Nile awareness. River Oaks has never had a positive test for West Nile. We raise Gambusia minnows which one minnow can eat 200 mosquito larvae a day. If citizens notice standing water, the city will bring Gambusia minnows out to that location.

15. CONSIDER APPROVAL OF THE ANNUAL INVESTMENT REPORT FOR 2009-2010 FISCAL YEAR AS PRESENTED BY THE CITY SECRETARY.

City Secretary Gregory presented the Annual Investment Report for 2009-2010 Fiscal Year. We were able to put more money back in the General Fund Texpool account than we have in the past. The Water Sewer Texpool account is where it should be. All the other accounts are stable. The interest on all accounts has decreased and continues to decrease.

Council Member Holland moved, seconded by Mayor Pro Tem Crews to accept the Annual Investment Report for 2009-2010 Fiscal Year as presented. All voted "Aye".

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

16. CONSIDER APPROVAL OF RESOLUTION # **676-2010** ESTABLISHING THE CITY OF RIVER OAKS PURCHASING AND PROCUREMENT MANUAL INCLUDING ATTACHMENTS; REPEALING THE PREVIOUS PURCHASING AND PROCUREMENT MANUAL APPROVED ON JULY 26, 2005; PROVIDING THAT RESOLUTION 585 ADOPTED ON SEPTEMBER 13, 2005 THAT ESTABLISHED A POLICY FOR CITY EMPLOYEES AND VOLUNTEERS TRANSACTING BUSINESS WITH THE CITY NOT BE REPEALED.

City Secretary Marvin Gregory explained why we needed to adopt the Purchasing and Procurement Manual. The Purchasing Manual for employees needs to stay in place. The Procurement Manual was a two page manual in 2005. Because of the grants, we needed a manual that is in compliance with state law. There have been some changes made my City Attorney Elam and City Secretary Gregory. Council Member Holland pointed out some issues. In the Table of Contents, C3 and C5 did not get changed. The Introduction and General Information sections need to be lettered and listed in the Table of Contents. Page 1 and 2 under General Information in regards to the Houston-Galveston Area Council of Governments, there needs to be wording added: However, research should be performed to ensure best value. Page 7, second paragraph, there is a misspelling in City Office Manager that needs to be corrected. Through out the policy, the City Office Manager is listed and in some areas the Office Manager is not listed. CM Holland recommended that City Office Manager be added in those areas of the policy. Page 12 under Emergency Purchases; need to change \$5,000 to \$10,000.

City Secretary Gregory stated there is an in house policy for the Department Heads to check on the budget funds available before issuing a Purchase Order.

Council Member Gordon moved, seconded by Council Member Minter to approve Resolution #676-2010 with the changes above establishing the City of River Oaks Purchasing and Procurement Manual; repealing the previous Purchasing and Procurement Manual approved on July 26, 2005; providing that Resolution #585 adopted on September 13, 2005 that established a policy for City Employees and Volunteers transacting business with the city not be repealed. All voted "Aye".

17. CONSIDER APPROVAL OF ORDINANCE # **839-2010** AMENDING ARTICLE 8 OF THE RIVER OAKS CODE OF ORDINANCES (2006) BY ESTABLISHING REGULATIONS FOR PETS IN MUNICIPAL BUILDINGS.

Mayor Earwood explained the reasoning behind this Ordinance. Council Member Holland would like "seeing eye dog" be changed to read "service animals".

Mayor Pro Tem Crews moved, seconded by Council Member Butler to approve Ordinance #839-2010 with the noted changes amending Article 8 of the River Oaks Code of Ordinances (2006) by establishing regulations for pets in municipal buildings. All voted "Aye".

18. CONSIDER APPROVAL OF RESOLUTION **# 677-2010** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE) OF THE CITY OF RIVER OAKS

City Secretary Gregory stated that a resolution has to be adopted annually that the Investment Strategy and Investment Policy has been reviewed.

Council Member Gordon moved, seconded by Council Member Minter to approve Resolution #677-2010 reviewing annually the official Investment Strategy and Investment Policy in accordance with the Public Funds Investment Act (Chapter 2256 of the Texas Government Code) of the City of River Oaks. All voted "Aye".

STAFF REPORTS:

19. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

- 4833 OHIO GARDEN RD.-Inspector Sanders reported there is a deposition on April 28, 2010 at 10:00 am. City Attorney Elam stated that if Mrs. Vega does not show up to this deposition, she can be arrested and the city can still seize assets.
- 1129 ST. EDWARDS-Inspector Sanders reported this property will be sold on the Tarrant County Court House steps.
- 1728 HILLSIDE-Inspector Sanders reported this property was sold to an individual. Once we find out who the new owner is, we will send notices to the new owner.

20. SUBSTANDARD PROPERTIES UNDER VOLUNTARY COMPLIANCE AT:

- 1412 LAWRENCE-Inspector Sanders reported this property currently has a temporary certificate of occupancy.
- 724 THERSA-Inspector Sanders reported this property should be about complete.

21. REPORT ON PROPERTIES UNDER SUBSTANDARD CONSIDERATION AT:

- 1201 OXFORD-Inspector Sanders reported there has been no change on this property. Just waiting on the time limit to proceed with further substandard action.
- 1219 HARVARD-Inspector Sanders reported there has been no change on this property. Just waiting on the time limit to proceed with further substandard action.

22. REPORT ON SUBSTANDARD PROPERTIES RELEASED:

- 511 FRONTIER-Inspector Sanders reported this property has been released from the substandard list. This is new construction on a burn out.

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

No discussion or action.

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.

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**

EXECUTIVE SESSION:

35. 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 purchase, exchange, lease or value of real property:
- 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:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


None.

ADJOURN:

37. ADJOURN

At 9:16 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Minter, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary