

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 26, 2011**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER BOB MINTER (ILL)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICE MANAGER PAULA BAGWELL
SECRETARY SUSAN STEWART
ATTORNEY STEVE WOODS (FOR CA 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 26, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

Officer Manager Bagwell 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 REGULAR CITY COUNCIL MEETING APRIL 12, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING APRIL 26, 2011
- C. APPROVAL OF EDC 2ND QUARTER FINANCIAL REPORT
- D. APPROVAL OF CCPD 2ND QUARTER FINANCIAL REPORT
- E. APPROVAL OF 2ND QUARTER INVESTMENT REPORT
- F. RESIGNATION OF RICHARD SMITH FROM THE STORM WATER TASK FORCE

Mayor Pro Tem Gordon pointed out that she did not read the letter of commendation as recorded in the minutes of City Council meeting for April 12, 2011; Council Member Butler read the letter.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, D, E, and F with the noted change to item A. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 IN THE CITY OPTING OUT OF THE AT&T CELL PHONE AGREEMENT AND ENTERING INTO AGREEMENT WITH SPRINT FOR CELL PHONE SERVICES

CS Gregory relayed the concerns of Staff with the current cellular provider, AT&T, as declining service, numerous dropped calls, and the lack of a sales representative.

CS Gregory mentioned concerns with the Sprint network as a smaller coverage area, specifically with the direct connect option in outlying areas, and the lack of sim cards that requires swap-outs to be done at the store or over the phone.

CS Gregory stated that the total monthly savings with Sprint would be approximately \$225. Another benefit with Sprint is Direct Connect, when used locally.

Theresa Matthews, Sprint Representative, was present. Ms. Matthews stated that the Direct Connect network is improving and increasing. Ms. Matthews added that the mobile units would still be able to make and receive phone calls if the direct connect radio was not working. Ms. Matthews stated that swap-outs could be done over the phone but to transfer the contacts, the devices would have to be taken to the store.

Mayor Earwood invited Ms. Matthews to attend a weekly staff meeting to allow discussion with Staff over concerns and benefits of switching to Sprint.

CS Gregory stated that a 30-day notice was required to end the contract with AT&T without penalties.

No action was taken.

8. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATION FUND FOR SIGNAGE FOR THE BMX TRAIL AND FOR ADDITIONAL EXPENSES TO BE INCURRED FOR THE BMX TRAIL GRAND OPENING CEREMONY ON JUNE 4, 2011.

Norma Cumberledge, Park Board Vice-Chairperson, presented the request of the Park Board for an additional \$540 for park signage that was previously approved for \$2,500. Ms. Cumberledge also requested \$1,500 for safety padding to go around the sign and for the BMX Trail Grand Opening Event.

Council Member Butler moved, seconded by Council Member Crews, to expend dollar donation funds for the sign and additional expenses as presented. All voted "Aye."

9. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE OIL/GAS LEASE ROYALTIES IN ORDER TO CONSTRUCT THE GRANITE TRAIL AND RETAINING WALL FOR ACCESS TO THE BMX TRAIL

Norma Cumberledge, Park Board Vice-Chairperson, presented the recommendation of the Park Board to install a granite bike trail that would allow safe access to the BMX Trail. In addition, Ms. Cumberledge requested funding for a retaining wall along the drainage channel that would be necessary for the granite bike trail to avoid undermining the skate park.

Mayor Earwood stated that this project could be funded using the oil and gas lease fund.

Council Member Holland pointed out that the oil and gas lease money is included in the general fund or has been transferred to the city reserves.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to expend funds from the oil/gas lease royalties in order to construct the granite trail and retaining wall for access to the BMX trail in the amount of \$20,508 as presented. All voted "Aye."

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

No discussion occurred on this agenda item.

Action on this agenda item was taken following execution session. Refer to agenda items 36 and 37.

11. DISCUSSION AND/OR ACTION ON THE MID-YEAR FY 2010-2011 REVIEW OF THE CITY'S OPERATING BUDGETS

CS Gregory reported that the mid-year budget review revealed that there were unforeseen expenses that would cause the General Fund to have to be expanded an additional \$43,957. The granite trail and retaining wall previously approved is the major unforeseen expenditure. The revenue projections for the remainder of the year should meet what was budgeted.

CS Gregory reported that the mid-year budget review revealed that there were unforeseen expenses that would cause the Water Fund to be expanded an additional

\$17,449. The salary adjustment of Public Works Director Hatley and the additional overtime at the water plant due to plant problems this year are the primary reason the budget has to be expanded. Revenue projections for the remainder of the year should meet what was budgeted.

CS Gregory reported there was no reason to consider expanding either the EDC or Crime budgets. Overall, Gregory reports that city financials are stable.

No action was taken.

12. CONSIDER APPROVAL OF THE CITY-WIDE NEWSLETTER DRAFT

CS Gregory presented an educational city-wide newsletter draft. Council approved the newsletter and directed Staff to include in the newsletter an announcement for a town hall forum on May 3, 2011 at the Community Center.

No action was taken.

13. CONSIDER APPROVAL TO CONTRACT WITH TARRANT COUNTY FOR TAX COLLECTIONS

CS Gregory reported that the agreement for tax collection with Tarrant County remains unchanged from the previous year at 65 cents per parcel.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve a contract with Tarrant County Tax for tax collections as presented. All voted "Aye."

14. CONSIDER REQUESTS FOR NOMINATIONS BY NCTCOG

No discussion or action.

15. CONSIDER APPROVAL TO SCHEDULE A WORKSHOP REGARDING EXPENDITURES OF THE REVENUE RECEIVED FROM OIL/GAS LEASE ROYALTIES

Council directed Staff to schedule a workshop to discuss guidelines related to revenue and expenditures utilizing money obtained from the oil and gas royalties.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

16. PUBLIC HEARING CONTINUED FROM MARCH 22, 2011: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1716 LAWTHOR DR.

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

Inspector Sanders presented photos of the property that were taken on April 21, 2011. Inspector Sanders reported structural, plumbing and electrical violations, as well as inadequate heating that constitute substandard and hazardous conditions.

Victor Walker, representative for the property, was present. Mr. Walker stated the he intends to sell the property without abating the violations. Mr. Walker indicated that a contractor has expressed interest in the property. Mr. Walker stated that he would sell the property or relinquish it to the lienholder by June. Discussion occurred related to securing the property by boarding the doors and broken windows. Inspector Sanders reported that the property does not require any additional security at this time.

At 8:14 p.m. Mayor Earwood closed the public hearing.

17. **ACTION FROM PUBLIC HEARING:** CONSIDER ORDERS ON THE PROPERTY AT **1716 LAWTHER 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.

Council Member Crews made the following motion "I move that the City Council find that the building(s) located at 1716 Lawther Dr. based on evidence presented at the hearing is Substandard and: 1) That the conditions set forth in the Building Official's Report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) That the building(s) is/are feasible of repair and therefore, ORDER the buildings to be repaired BY THE OWNER within 30-days and THE LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) ORDER that the building(s) be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended by the Owner within 30-days or by the Lienholder or Mortgagee to within an additional 30-days if the owner does not comply and further find that if the building(s) is/are not repaired within that time, that there is no reasonable probability that the building(s) will be repaired within a reasonable period Of time if additional time is given; and 4) That the Owner will be required to pay substandard fees in the amount of One-Hundred Fifty and 00/100 dollars (\$150.00) prior to the final inspection and before the structures will be released from substandard. Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

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

18. CONSIDER APPROVAL OF **ORDINANCE # 877-2011** AMENDING THE FY 2010-2011 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion for this agenda item occurred during agenda item 11.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 877-2011 as discussed. All voted "Aye."

19. CONSIDER APPROVAL OF **ORDINANCE # 878-2011** AMENDING THE FY 2010-2011 BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion for this agenda item occurred during agenda item 8.

Mayor Pro Tem Gordon, moved seconded by Council Member Butler, to approve Ordinance No. 877-2011 as discussed. All voted "Aye."

20. CONSIDER APPROVAL OF **RESOLUTION # 702-2011** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY & INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOV. CODE) OF THE CITY OF RIVER OAKS

CS Gregory presented the Investment Strategy and Investment Policy for the annual review.

Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to approve Resolution No. 702-2011 as presented. All voted "Aye."

STAFF REPORT:

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

Inspector Sanders gave the following updates on substandard properties:

- 4833 OHIO GARDEN RD. – some sheetrock repair has been done under a permit that will expire on July 18, 2011. No valid plumbing or electrical permits. Citations were issued related to the substandard structure. An inspection will be performed on April 29, 2011 at which time additional citations will be issued if there is no progress.
- 1129 ST. EDWARDS – No change to report. Liens and fees continue to accumulate for mowing and removal of junk and debris. Mayor Earwood stated that this property could possibly go for sale at the courthouse in September 2011.
- 1218 YALE ST. – No change and no inspections to report. Staff will bring the property back to the City Council in May 2011.

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

- 5311 CORNELL - HUD property, no enforcement action until ownership changes.
- 4821 ALMENA – electrical and plumbing violations have been corrected. Continued progress on the exterior and interior.
- 5314 AMHERST – windows have been replaced, progress continues.
- 1712 LAWTHER – plumbing repairs approved. Christmas in Action is working with the owner.
- 5414 BAYLOR - HUD property, no enforcement action until ownership changes.
- 1716 LAWTHER – Refer to agenda items 16 and 17.
- 1713 LONG AVE. – No contact from owner. Previous tenant is removing personal property.

23. RELEASED FROM SUBSTANDARD:

- 5501 BLACK OAK LANE - released from substandard, approved certificate of occupancy.
- 1621 LONG AVENUE - released from substandard, approved certificate of occupancy.

24. 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.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

28. **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.

29. **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.

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

No discussion or action.

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

No discussion or action.

32. **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.

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

No discussion or action.

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

SWTF Chairman Hatley stated that the Task Force is currently seeking grants. Mr. Hatley mentioned that the Task Force has invited a contractor to the next meeting to begin research on Phase 1 of Storm Water Master Plan as well as a plan for curbs and gutters on Inspiration Lane. Mr. Hatley stated that the Storm Water Task Force is

participating in the Castleberry School District Health Fair on May 21, 2011 and the Career on Wheels event at the elementary school.

PUBLIC FORUM:

35. 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**

Wayne Butler mentioned the accumulation of unsightly matter at 1016 Roberts Cut Off. Staff was directed to investigate.

Sherrie Uptmore-Dast commended the Fire Department, Police Department, and Council for their participation in the successful Easter Egg Hunt hosted by the Chamber of Commerce.

Council Member Holland asked if the donation recipient for the property on Oxford was public knowledge. CS Gregory replied that Staff did not have that information.

Council Member Butler gave a reminder that April 30, 2011 is Clean Up Day.

Mayor Earwood stated that the husband of library employee Janis Price had suffered a stroke.

Mayor Earwood stated that library employee Bennie Stone's mother is now under the care of hospice.

Nancy Crews gave a reminder of the Castleberry Health Fair on May 21, 2011 from 9:00 a.m. until 2:00 p.m.

Mayor Earwood stated that the annual salute to the military would occur on May 19, 2011. Council Member Crews requested the names of each attendee.

Mayor Earwood gave a reminder of the BMX Trail Grand Opening on June 4, 2011.

EXECUTIVE SESSION:

36. 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: Litigation on substandard property at 4833 Ohio Garden Rd.
- 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. City Secretary Marvin Gregory
- d. Section 551.076 Deliberation regarding security devices

[At 8:40 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 9:12 p.m. Mayor Earwood reconvened into regular session.]

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

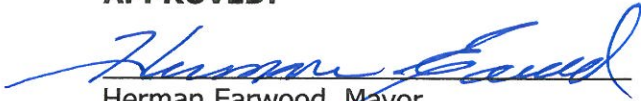
Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the Mayor's recommendation for a salary adjustment of the City Secretary effective next pay period. All voted "Aye."

ADJOURN:

38. ADJOURN

At 9:19 p.m. Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary