

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 10, 2011**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
FIRE CHIEF BILL CREWS
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
SPECIAL EVENT COORDINATOR SHIRLEY WHEAT
SECRETARY SUSAN STEWART
CITY 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, May 10, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

FC Crews delivered the Invocation.

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

Citizen Jim Gordon 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 26, 2011
- B. MINUTES OF COMMUNITY FORUM MAY 3, 2011
- C. BILLS PAYABLE FOR PERIOD ENDING MAY 10, 2011
- D. RESIGNATION OF SHERRIE DAST FROM THE STORM WATER TASK FORCE

Council Member Crews mentioned a drainage concern that was expressed by a citizen at the Community Forum. PWD Hatley stated that the Storm Water Task Force is working with Raydon on drainage issues.

Council Member Crews moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, and D 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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.

7. CONSIDER APPROVAL OF EMPLOYEE HEALTH, LIFE & MEDICAL INSURANCE RATES FOR PLAN YEAR JULY 2011-JUNE 2012---PRESENTED BY DEE BEASLEY-HAYDEN, BRINSON BENEFITS

Dee Beasley-Hayden, Brinson Benefits, stated that employee health, life and medical insurance rates would not increase for the July 2011- June 2012 plan year.

Council Member Crews moved, seconded by Council Member Holland, to approve the employee health, life and medical insurance rates for plan year July 2011 through June 2012 as presented. All voted "Aye."

8. CONSIDER APPROVAL OF RETIREE LIFE AND HEALTH INSURANCE---PRESENTED BY DEE BEASLEY-HAYDEN, BRINSON BENEFITS, INC.

Dee Beasley-Hayden, Brinson Benefits, presented options to offer retiree life and health insurance. Life Insurance paid by the City would impact the annual budget by approximately \$702 based on three retirees. The same insurance if paid by the employee would impact the annual budget by \$824 since Cobra Charmers would administer the program.

Brinson Benefits does not recommend medical insurance for retirees since future insurance renewals could be limited or possibly excluded by certain insurance companies and rates could increase substantially.

Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to continue to offer life and health insurance to current active employees only. All vote "Aye."

9. CITIZEN APPEARANCE OF MRS. JOY JAMES AT 1646 SHENNA REQUESTING THAT THE CITY REPAIR THE DAMAGES CAUSED FROM THE SEPTEMBER 2010 SEWER LINE OVERFLOWS INTO THEIR RESIDENCE

A representative was not present.

Secretary Stewart noted that the request was for the June 14, 2011 regular meeting of the City Council.

No action was taken.

10. CONSIDER APPROVAL OF AWARDING CONTRACT FOR BID PROPOSALS RECEIVED ON APRIL 29, 2011 ON THE ENERGY EFFICIENT AND CONSERVATION RETROFIT PROJECT # CORO 2011-0001

CS Gregory presented the two bids that were received at the opening of the bid proposals on April 29, 2011.

The City had originally contracted with Standard Renewal Energy and paid a non-refundable down payment of \$4,706.95. The materials provided for in the original contract were not American made as is required for the Seco Grant and Standard Renewable Energy submitted another bid using American made materials in the amount of \$ 69,733.57. CS Gregory expressed concerns with high turn-over of representatives providing inconsistent information at Standard Renewable Energy.

The City was approved for an Oncor Grant in the amount of approximately \$24,000 that would be paid to the City upon completion of the project.

After reviewing the references and project details, CS Gregory recommended BBC Construction Group, which was the low bidder at \$66,351.93. Council Members expressed concerns about the number of projects, specifically the lack of commercial solar panel projects, performed by BBC Construction. Scott Mathis, Straight Up Energy, was present to explain a merger between Straight Up Energy and BBC Construction. Mr. Mathis was formerly employed with Standard Renewable Energy until he merged with Mr. Phil Walsh of BBC Construction. Mr. Mathis maintained that he is familiar with commercial projects. Mr. Walsh was present to explain the process for determining the tie in to load side of the meter. Mr. Walsh stated that the actual installation time is approximately three days.

Discussion occurred related to the deposit with Standard Renewable Energy. Council directed Staff to pursue a refund based on changes in the contract.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to award the contract to Straight Up Energy to install solar panels over the fire department as presented. All voted "Aye."

11. CONSIDER APPROVAL OF REQUEST FROM THE DOLLAR STORE AT 4847 RIVER OAKS BLVD. TO PERMIT SPECIAL PURPOSE SIGNAGE UP TO 60 DAYS FOR COMMERCIAL ADVERTIZING OF THE BUSINESS GRAND OPENING

Ramesh Anaweli, representative for the Dollar Store, was present to request that a special purpose sign be allowed to remain in excess of the allowable 21-days permitted by city staff.

CS Gregory explained that a total of 60-days is possible with approval from the City Council.

Council Member Holland moved, seconded by Council Member Butler, to extend the special purpose signage balloon for a total of 60-days. All voted "Aye."

12. CONSIDER REQUEST OF COMMUNITY CENTER TO CONSTRUCT A 10 x 24 STORAGE BUILDING ON SITE

Shirley Wheat and Shirley Bloomfield were present to request a storage building at the Community Center. CS Gregory stated that site plan approval would be required. It was discussed that additional storage room could be made available inside the Community Center that may include the use of the Park Board Meeting Room. Mayor Earwood suggested that this agenda item be presented later, pending more information.

No action was taken.

13. CONSIDER REQUEST OF COMMUNITY CENTER TO HOLD THE MEMORIAL DAY EVENT

Shirley Wheat and Shirley Bloomfield requested to hold a Memorial Day event on Saturday May 28, 2011 from 5:00 p.m. until 9:00 p.m. that would include the giant slide with admission of \$5 per person.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve a Memorial Day Event at the Community Center as presented. All voted "Aye."

14. CONSIDER APPROVAL TO REPLACE THE EXISTING 75 HP FREQUENCY DRIVE FOR HIGH SERVICE PUMP # 1 AT THE WATER PLANT

CS Gregory requested approximately \$20,000 to replace the primary finish pump and rake. The funds are available within the Water Plant Department by transferring funds from the sludge lagoon upgrade to water plant maintenance due to the delay of upgrading the lagoons as budgeted.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to direct CS Gregory to transfer the funds as necessary to replace the pump and rake as discussed. All voted "Aye."

15. CONSIDER APPROVAL OF THE NOTICE OF RESIGNATION BY FIRE CHIEF BILL CREWS AS THE EDC COORDINATOR AND RETIREMENT OF FIRE CHIEF BILL CREWS FROM THE RIVER OAKS FIRE DEPARTMENT EFFECTIVE ON MAY 31, 2011

Mayor Earwood announced the resignation and retirement of Bill Crews as the EDC Coordinator and Fire Chief, effective May 31, 2011.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to accept the resignation/retirement of Bill Crews as the EDC Coordinator and Fire Chief. All voted "Aye."

16. CONSIDER COUNCIL APPROVAL AUTHORIZING THE MAYOR TO EXPRESS THE CITY'S OPPOSITION TO SB 100 (AS SUBSTITUTED) BY SENATOR LETICIA VAN DE PUTTEE AND HB 111 (AS SUBSTITUTED) BY REPRESENTATIVE VAN TAYLOR POTENTIALLY FORCING CITIES TO CHANGE THEIR MAY ELECTION DATE

It was stated that Senate Bill 100 could adversely affect municipal elections.

Council Member Crews moved, seconded by Council Member Butler, to approve the Mayor to sign a letter opposing SB 100 as discussed. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

17. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1713 LONG AVENUE

At 8:43 p.m. Mayor Earwood opened the public hearing.

A representative for the property was not present at the public hearing.

Inspector Sanders showed photos and cited substandard conditions and health nuisances that must be abated to protect the health, safety, and general welfare of the public. Council Members deemed the property feasible of repair and a public health nuisance. Discussion occurred that may warrant the hiring of a professional company that specializes in the removal of unsanitary waste. CA Elam stated that the building could be declared substandard due to hazardous health conditions and in addition it could be declared a public health nuisance. CA Elam stated that the City could issue citations and abate the conditions once proper notification was given to the owner and the lienholder.

At 9:11 p.m. Mayor Earwood closed the public hearing.

18. ACTION FROM PUBLIC HEARING: CONSIDER ORDERS ON THE PROPERTY AT 1713 LONG AVENUE 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 moved, seconded by Council Member Minter, that the City Council find that the building located at 1713 Long Avenue based on evidence presented at the hearing is Substandard and a Public Health Emergency and ordered that the Owner secure the property and remove all rubbish, debris, garbage or impure or unwholesome matter within 7-days, with no additional time for the lienholder. All voted "Aye."

Staff was directed to obtain bids for abatement by professional companies.

19. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1218 YALE STREET

At 9:15 p.m. Mayor Earwood opened the public hearing.

John Ward presented a plan of action and requested additional time to repair the property. When asked, Mr. Ward stated virtually no work had been done in the past 90-days as ordered by the City Council. Mr. Ward presented a "deed" to the City Attorney for review. CA Elam stated that the document was signed but not executed and therefore is not a valid and/or recordable instrument. Mr. Ward stated the Couch Mortgage is a DBA used by him and his wife for rental properties. Mr. Ward stated his intention was to repair the property and place it for sale. Mr. Ward testified that there is not a mortgage on the property, only City liens and past due taxes.

Inspector Sanders showed photos, stating that no work had been performed in the last 90-days and the property remains in substandard condition. Sanders reported that structural, plumbing and major electrical violations exist that would require costly repair.

It was noted that Mr. Ward had not satisfied any of the fees and liens incurred by the City that are related to this property.

Staff stated that a current order by the City Council to repair the building had expired. Pending a 10-day notification of intent to demolish, the City could demolish the structures.

At 9:34 p.m. Mayor Earwood closed the public hearing.

20. **ACTION FROM PUBLIC HEARING:** CONSIDER ORDERS ON THE PROPERTY AT **1218 YALE STREET** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLORING 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 moved, seconded by Council Member Butler, to execute the order of the City Council from February 8, 2011. All voted "Aye."

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

21. CONSIDER APPROVAL OF **ORDINANCE # 879-2011** AMENDING THE FY 2010-2011 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE

No discussion occurred.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 879-2011. All voted "Aye."

22. CONSIDER APPROVAL OF **ORDINANCE # 880-2011** AMENDING THE FY 2010-2011 BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Ordinance # 880-2011. All voted "Aye."

23. CONSIDER APPROVAL OF **RESOLUTION # 703-2011** REGARDING THE CITY'S PARTICIPATION IN TARRANT COUNTY'S CDBG PROGRAM FOR THE 3-YEAR PROGRAM PERIOD, FISCAL YEARS 2012 THROUGH 2014

Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution # 703-2011. All voted "Aye."

STAFF REPORT:

24. **UPDATE ON RIVER OAKS CLEAN UP MONTH AS PRESENTED BY PWD JAMES HATLEY**

PWD Hatley reported a successful April Clean Up Month.

No action was taken.

PUBLIC FORUM:

25. 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**

Nancy Crews gave a reminder of the CISD Health Fair on May 21, 2011 at the Multipurpose Building from 9:00 a.m. to 2:00 p.m.

Mayor Earwood gave a reminder of Election Day on May 14, 2011.

Mayor Earwood announced that a community wide election watch party would occur at Minter Park beginning at 5:00 p.m.

EXECUTIVE SESSION:

26. 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.
- d. Section 551.076 Deliberation regarding security devices

[At 9:58 p.m. Mayor Earwood convened into executive session under 551.071-Pending or contemplated litigation on substandard property at 4833 Ohio Garden Rd.]

RECONVENE:

[At 10:04 p.m. Mayor Earwood reconvened into regular session.]

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

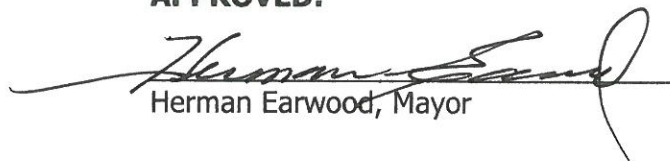
No action was taken.

ADJOURN:


28. ADJOURN

At 10:07 p.m. Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary