

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
MAY 11, 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  
SECRETARY SUSAN STEWART

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 11, 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

FC Crews 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 APRIL 27, 2010
- B. MINUTES OF TOWN HALL MEETING MAY 6, 2010
- C. BILLS PAYABLE FOR PERIOD ENDING MARCH 31, 2010 (09-10 FISCAL YEAR)
- D. BILLS PAYABLE FOR PERIOD ENDING MAY 11, 2010 (10-10 FISCAL YEAR)
- E. CONSIDER APPROVAL OF TRANSFER OF DARRELL BRACKEEN FROM PUBLIC WORKS TO ANIMAL CONTROL OFFICER
- F. APPROVE EDC 4<sup>TH</sup> QUARTER REPORT

Council Member Holland requested that the Minutes be corrected to state "Council Member Gordon" instead of "Member Gordon."

**Mayor Pro Tem Crews moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, D, E and F with the recommended changes. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 REFINANCING OUTSTANDING WATER AND SEWER REVENUE BONDS FOR SAVINGS AND ENGAGING WELLS NELSON AND ASSOCIATES AS FINANCIAL ADVISOR.**

Craig Cunningham, financial advisor for Wells Nelson and Associates, presented a refinancing option for the City's Waterworks and Sewer System Revenue Bonds. The bonds are eligible to be paid in full or refinanced without penalty after June 15, 2010 subject to a 30-day notice of intent. Under current market conditions, Mr. Cunningham projected that the City could save approximately \$64,000 by refinancing the bonds. Mr. Cunningham proposed that the City adopt a "Parameter Resolution" and engage Wells Nelson to proceed with refinancing the bonds. Mr. Cunningham recommended a non-callable 8-year maturity for the bonds.

Council Member Holland requested that CS Gregory verify the references of the firm.

Mayor Earwood requested that the Finance Committee and CS Gregory review the contract.

Council Members directed CS Gregory to present the resolution as discussed at the next regular meeting.

**No action was taken.**

**8. CONSIDER APPROVAL OF REGISTRATION FEE FOR TMGS LOCATING GAS UTILITY FACILITIES IN A PUBLIC RIGHT OF WAY**

CS Gregory explained that the Code of Ordinances provides that the City Council set the registration fee for utility facility contractors when working within public right-of-ways. CS Gregory recommended a fee of \$1,200 based on past experience and research.

**Mayor Pro Tem Crews moved, seconded by Council Member Minter, to approve the registration fee for TMGS in the amount of \$1,200. All voted "Aye."**

9. DISCUSSION AND/OR ACTION ON USE OF COMMUNITY CENTER DOLLAR DONATION FUNDS FOR MATERIALS AT THE COMMUNITY CENTER

Mayor Pro Tem Crews stated that the low frequency microphones that the Community Center currently uses would need to be replaced to comply with new legislation. Mayor Pro Tem Crews presented a handout with options for the replacements.

**Council Member Holland moved, seconded by Council Member Gordon, to expend \$599 for the purchase of microphones from the Community Center Dollar Donations Fund as presented. All voted "Aye."**

10. DISCUSSION AND/OR ACTION FOR IMPROVEMENTS TO THE FRONT OF THE COMMUNITY CENTER BUILDING

Mayor Earwood described the proposed enhancements to the Community Center. City Staff is currently working to alleviate drainage issues. Mayor Earwood proposed a 16x24 wooden pavilion on the front of the Community Center and a 6-foot covered walkway to the parking lot. Council Members discussed that the 10,000 budgeted for engineering at the Community Center could be used toward the proposed expenditures, leaving approximately \$10,000 that was not budgeted and would have to be paid out of the reserve account. Council Member Holland requested computer-generated images of the final project prior to approval. Mayor Pro Tem Crews directed Public Works Superintendent Hatley to investigate how long the extra discounts would be valid and to have a special meeting called to order if the discounts expire before the next regular meeting of the City Council.

**No action was taken.**

11. DISCUSSION AND/OR ACTION ON TOWN HALL MEETING NIGHT FREQUENCIES

Council Members discussed the increasing lack of attendance at the monthly Town Hall meetings. Council Members discussed holding special called Town Hall Meetings instead of the monthly meetings.

**Council Member Holland moved, seconded by Mayor Pro Tem Crews, to cease monthly Town Hall meetings and to call special Town Hall meetings as necessary. All voted "Aye."**

12. CONSIDER APPROVAL OF EDC RECOMMENDATION FOR THE PLACE 1 DIRECTOR APPOINTMENT

EDC President Gordon presented the recommendation of the EDC to appoint Brenda Miller for Director Place 1.

**Mayor Pro Tem Crews made a motion, seconded by Council Member Butler, to appoint Brenda Miller for the EDC Director Place 1. All voted "Aye."**

13. CONSIDER APPROVAL TO ENTER INTO A CONTRACT WITH HALL-ALBERT CONSTRUCTION IN ORDER TO REPLACE THE STORM DRAIN IN THE 1700 BLOCK OF INSPIRATION LANE.

[Prior to the meeting, Council Member Gordon filed an affidavit abstaining from discussion and voting on this agenda item due to a possible conflict of interest since she resides in the same subdivision where the proposed construction work would take place.]

CS Gregory reported that the storm drain on Inspiration Lane had collapsed and drains into a small area that is unable to handle the storm water. CS Gregory recommended contracting with Hall Albert for the installation of 126-feet of 18" reinforced concrete pipe in the amount of \$13,986 that could be paid out of the drainage account (02-539-5435).

Council Member Holland asked why this location was chosen, when many areas require attention for drainage issues. CS Gregory replied that drainage improvements should first start from the highest elevation to the lowest elevation and that this location was located within that parameter. Also, the existing drainage channel on the east side of Inspiration Lane is beginning to erode further restricting drainage flow and therefore is becoming a potential hazard.

**Mayor Pro Tem Crews moved, seconded by Council Member Butler, to enter into a contract with Hall-Albert to replace the storm drain in the 1700 Block of Inspiration Lane in the amount of \$13,986 as presented. Mayor Pro Tem Crews and Council Members Butler, Holland and Minter voted "Aye." Council Member Gordon abstained from the vote.**

14. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR FUND FOR TEXAS 1849 MAP FRAME.

Mayor Earwood announced that the City and the Library have acquired some Historic Texas Maps that were donated by the Land Commission. CS Gregory has funding to frame three of the maps that will be displayed at City Hall. The Library requested funds from the dollar donation account to frame one of the maps to display in the Library.

**Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to expend \$226.58 from the Library Dollar Donation Fund for the framing of the Texas 1849 frame as presented. All voted "Aye."**

15. DISCUSSION AND/OR ACTION IN REFERENCE TO SCHEDULING A GROUND BREAKING CEREMONY AT WOOLDRIDGE PARK.

Mayor Earwood suggested a groundbreaking ceremony to celebrate the beginning of the Wooldridge Park project. Council Members agreed on May 22, 2010 at 10:00 am for the ceremony.

**No further action was taken.**

16. APPEARANCE OF MARGARET RAGAN REGARDING TRAFFIC ON YALE ST.

Margaret Ragan and an unidentified citizen presented a handout to Council Members outlining questions and concerns of the citizens on Yale Street as follows: "1) What method of traffic survey is the City using? Traffic Counter, ATR's, Turning Moving Boards or Bean Counting. 2) If you don't want speed humps what about speed dots? 3) Where is our neighborhood taxes go for? 4) Where is that stop sign that you said we could have put up? 5) We want the speed lowered to 20-25. 6) We want the east gate closed from hours of 6-9 am and 3-6 pm Monday through Friday. 7) We want more police patrols, maybe staggering shift change."

Ms. Ragan stated her findings that only a "handful" of vehicles exceeded the speed limit when allowed by Officer Shoenthal to operate the radar gun. Ms Ragan stated that a conversation with Captain Smyers, NASJRB Commanding Officer, resulted in a suggestion to close the east gate. Ms. Ragan requested additional police presence during peak traffic times. Ms. Ragan and the unidentified citizen suggested that the speed limit be lowered to 20 m.p.h.

Mayor Earwood responded that out of 198 cars that he observed, three did not completely stop at the stop sign and none appeared to be speeding. Mayor Earwood added that closing of the east gate of the Joint Reserve Base would only redirect the traffic to continue on Yale to River Oaks Boulevard in order to gain access to the main gate. Mayor Earwood cautioned that repercussions such as base closures result from complaints concerning the Joint Reserve Base. CS Gregory stated that 5 children at play signs had been installed and 10 additional children at play signs have been ordered. Mayor Earwood stated that additional police presence is not necessary since the vehicles traveling on Yale are not in violation of any laws.

PC Chisholm summarized his findings from several days of observation in both a marked patrol unit and an unmarked unit. The majority of the vehicles that travel Yale follow the posted speed limit. The number of cars is a concern and would actually be compounded by the installation of a stop sign, causing additional delays and congestion.

Rachel Wiggins, representative for Captain Smyers, encouraged attendance at a transportation workshop on May 25, 2010 with the Council of Governments.

Ms. Ragan invited City Council Members to a block party on Yale on May 22, 2010 at 12:00 noon.

**No action was taken.**

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

17. CONSIDER APPROVAL OF ORDINANCE **# 840-2010** AMENDING ARTICLE 13.02 "UTILITY POLICY" BY UPDATING THE CITY'S UTILITY POLICY THAT WAS ORIGINALLY ADOPTED BY ORDINANCE 625-03 ON JUNE 10, 2003 AND AMENDED BY ORDINANCE 808-09 ON JANUARY 13, 2009 AND AS WAS CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES; REPEALING THE FORMER UTILITY POLICY AS AMENDED AND REPLACING IT AS HEREIN PROVIDED FOR.

Paula Nielsen, Utility Billing Clerk, requested a change in verbiage to the utility policy. Currently when an account goes to cutoff status, a "reconnect" fee is charged to the account regardless of whether or not the service has been physically disconnected. Mrs. Nielsen suggested using the term "administrative fee" in place of "reconnect fee." Other minor changes were suggested that would clarify sections of the utility policy with no procedural changes.

After much discussion, Council Member Gordon suggested the removal of item # a in Section 13.02.09, since this information is repeated in another section of the policy. Council Members agreed to remove the word "administrative" in item # e of Section 13.02.039.

Council Member Holland recommended that CS Gregory respond to an individual citizen compliant with a written response.

**Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve Ordinance No. 840-2010 with the recommended changes as discussed. All voted "Aye."**

18. CONSIDER APPROVAL OF ORDINANCE **# 841-2010** AMENDING ARTICLE 3.07 "SUBSTANDARD AND DANGEROUS BUILDINGS; PROPERTY MAINTENANCE" SPECIFICALLY UNDER SECTION 3.07.015 "INSPECTION WHEN BUILDINGS ARE VACATED" (d) "PRESENCE OF OWNER DURING INSPECTION OF VACANT BUILDINGS" REPEALING THE FORMER PROVISION THAT THE OWNER MAY NOT BE PRESENT DURING THE INSPECTION.

CS Gregory requested the proposed change that would require the owner or owner's representative to be present during inspections in order to reduce the City's liability.

**Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to approve Ordinance No. 841-2010 as presented. All voted "Aye."**

19. CONSIDER APPROVAL OF ORDINANCE **# 842-2010** AMENDING THE 2010 BUDGET FOR WOOLDRIDGE PARK IMPROVEMENTS.

No discussion occurred.



**Council Member Holland moved, seconded by Council Member Gordon, to approve Ordinance No. 842-2010 as presented. All voted "Aye."**

20. CONSIDER APPROVAL OF RESOLUTION # **678-2010** SUBMITTING THE RIVER OAKS PROJECT CONTINUANCE FOR THE USE OF THE ALLOWABLE CONSTRUCTION FUNDS FOR PROJECT NO. CDBG-R B09-US-48-0001-54-50 BY PIPE BURSTING 303 ADDITIONAL FEET OF SEWER LINE BY HALL ALBERT CONSTRUCTION IN THE 4500 BLOCK OF ALMENA RD.; AUTHORIZING CHEATHAM AND ASSOCIATES TO BE THE PROJECT ENGINEER; PLEDGING CITY FUNDS TO THE PROJECT; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

CS Gregory stated that the CDBG-R project that was previously approved by the City Council could be extended an additional 24% per bid item allowing for the pipe bursting of an additional 303 feet on Almena. The City must pledge \$15,107.30 plus engineering cost of \$1,500. The engineer does not anticipate that the City would actually be required to expend the funds.

**Council Member Gordon moved, seconded by Council Member Butler, to approve Resolution # 678-2010 as presented. All voted "Aye."**

21. CONSIDER APPROVAL TO ENTER IN AN AGREEMENT WITH HALL ALBERT CONSTRUCTION TO PIPE-BURST AN ADDITION 575 FEET OF SEWER LINE IN THE 4400 BLOCK OF ALMENA.

CS Gregory stated that this item would be presented at a later date since the cost exceeds \$50,000.

**No action was taken.**

**PUBLIC FORUM:**

22. 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** announced a dessert and dance at Castleberry Multipurpose Building featuring the High School Jazz Band on Friday May 14, 2010 at 7:30 p.m.

CS Gregory responded to a citizen concern that the County Contractor replacing the sewer lines caused the holes on Lawther Drive.

CS Gregory responded to a citizen concern that there is an underground sewer line at Wooldridge Park that would need to be relocated. Gregory stated that it should not be affected by the park renovations, but if it proved to be an issued, it would be relocated.

**EXECUTIVE SESSION:**

23. 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:**

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

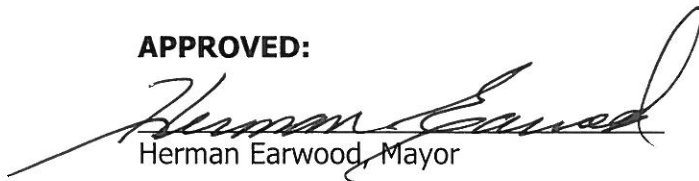
**None.**

**ADJOURN:**


25. ADJOURN

**At 9:36 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