

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 14, 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
FIRE CHIEF APPOINTEE RON SHORT
BUILDING INSPECTOR STEVE SANDERS
SPECIAL EVENTS COORDINATOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
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, June 14, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Crews delivered the Invocation.

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

Fire Chief Appointee Ron Short led the pledges of allegiance to the United States and the Texas Flags.

4. PRESENTATION OF AWARD TO KATHERINE WILSON FOR HER PARTICIPATION AND ORGANIZING OF THIS YEARS APRIL CLEAN UP DAY

An award was presented to Katherine Wilson for her participation in this year's annual April Clean Up Day. Mrs. Wilson expressed gratitude to the Mayor, council, school staff, and the community members for making it possible.

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 MAY 24, 2011

B. BILLS PAYABLE FOR PERIOD ENDING JUNE 14, 2011

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A and B 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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. CITIZEN APPEARANCE OF ANTHONY WHEELER REQUESTING THE CITY AMENDS THE WOOLDRIDGE PARK MASTER PLAN BY CHANGING THE RESTROOM LOCATION

Anthony Wheeler, 4905 Lawther, was present to request a relocation of the proposed restroom in the Wooldridge Park Master Plan.

Mayor Earwood suggested this agenda item be presented to the Park Board for consideration prior to consideration by the Council.

CM Butler spoke in opposition of the installation of restrooms, citing safety and maintenance concerns. Mr. Wheeler agreed that the removal of the restrooms would be satisfactory.

CM Crews noted that the Master Plan had been accepted but each phase requires approval by the City Council.

CM Crews and CM Holland stated that citizens have spoken in opposition to restrooms at Wooldridge Park.

Park Board Chairman Makarwich stated that the Park Board had unanimously voted to follow the Master Plan as originally submitted.

A workshop was suggested to include the Park Board and the City Council prior to beginning the next phase. Mr. Wheeler was encouraged to attend.

No action was taken.

8. CITIZEN APPEARANCE OF ANTHONY WHEELER REQUESTING APPROVAL FOR THE CITY TO CONSTRUCT A RETAINING WALL AT THE REAR OF HIS PROPERTY LOCATED AT 4905 LAWTHOR DR. THAT BORDERS THE WOOLDRIDGE PARK PROPERTY

Anthony Wheeler, 4905 Lawther, was present to give the opportunity for the City to construct a retaining wall on his property that would match the materials used at Wooldridge Park. Mayor Earwood responded that City funds could not be used to enhance private property. Mr. Wheeler stated his concern that the City would require him to match the materials when he applies for a permit to construct a retaining wall. Mayor Earwood assured Mr. Wheeler that the only requirement for constructing a retaining wall on his property was that it meet the codes adopted by the City. CS Gregory added that a drainage permit may be necessary if the retaining wall exceeds 5-feet in height.

No action was taken.

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

Betty James, 1646 Shenna, expressed disappointment with the City related to sewer backup issues on her property. Mrs. James conveyed a series of events that began with the initial sewer backup on September 10, 2011 and occurred again on October 1, 2010. Mrs. James described damage that occurred to her property as a result of the two occurrences that included the removal of new carpet and a significant amount of sheetrock. Mrs. James stated that she had filed a claim with TML and the City of Fort Worth, both of which were denied. Mrs. James stated that when the second event occurred, she learned that a line belonging to the City of Fort Worth had collapsed.

CS Gregory stated that he was not aware of a collapsed line until the second occurrence. CS Gregory stated that the City had paid Blackmon Mooring approximately \$13,000 for the cleanup. CS Gregory reported that TML had found that no negligence of the part of the City.

Chris Rogers, son-in-law of Mrs. James, stated that city employees directly under the supervision of CS Gregory informed him that a problem had existed for quite some time. Mr. Rogers stated that the family would not have allowed the cleanup if they had known that the work would not be completed. Mr. Rogers stated that CS Gregory and PWD Hatley were aware of the problem as it occurred on October 1, 2010 and did not react. Mr. Rogers stated that the City did not respond until the Police and Fire Departments were called. Mr. Rogers stated that the problem was not resolved until the City ran the manhole in the Byrd and Lawrence area. Mr. Rogers expressed concern that the damages must be disclosed upon a change in ownership.

Council Members requested detailed financial documents. Mr. Rogers agreed to supply the requested documents.

Mayor Earwood directed CS Gregory to speak with TML directly on behalf of the City and Mrs. James.

No action was taken.

10. DISCUSSION AND/OR ACTION ON CITIZEN APPEARANCE OF DW "DUB" BRANSOM AT 933 TROY CT. REGARDING THE CONTINUAL REOCCURRENCES OF POWER OUTAGES IN THEIR AREA

Dub Bransom, 933 Troy Ct., was present to request assistance from the City in obtaining cooperation from Oncor related to continual power outages in his area.

An unidentified citizen agreed with Mr. Bransom.

Discussion occurred amongst Council that included contact with the Steering Committee to gain leverage related to customer service issues.

Kathy Rodden, 1001 Keith Pumphrey, presented the option to contact the Public Utilities Commission to file a complaint.

Sherrie Dast, 4400 block of Almena, offered to petition if necessary to assist in negotiations.

Mayor Earwood inquired about the number of "pockets" that frequently suffer from random power outages. CS Gregory identified four problem areas.

CS Gregory was directed to contact a supervisor with Oncor.

No action was taken.

11. DISCUSSION AND/OR ACTION ON AMENDING THE CONTRACT WITH BBC CONSTRUCTION GROUP (STRAIGHT UP ENERGY) REGARDING BID PROPOSALS RECEIVED ON APRIL 29, 2011 ON THE ENERGY EFFICIENT AND CONSERVATION RETROFIT PROJECT # CORO 2011-0001

CS Gregory stated that it appeared that the calculations for energy savings between Standard Renewable Energy and Straight Up Energy were totally different in that Standard's was 12% savings and Straight Up Energy was calculated at 6% savings. Councilmember Crews stated that the 12% was right and the difference was in the way both companies did the calculations. Straight Up Energy (BBC Group) wanted the Council to know that the specifications required 12% savings and they felt it would not actually come out to that percentage based on their method of calculating.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to amend the contract with BBC Construction Group, Straight Up Energy, regarding bid proposals received on April 29, 2011 on the Energy Efficient and Conservation Retrofit Project # CORO 2011-0001 to change the actual percentage from 12% to 5% as discussed. All voted "Aye."

12. CONSIDER APPROVAL TO AMEND THE APRIL 26, 2011 ORDER OF THE BUILDING BOARD OF APPEALS TO REPAIR THE SUBSTANDARD STRUCTURE AT 1716 LAWTHER DR.

Inspector Sanders stated that the property has been purchased by a contractor that frequently rehabilitates properties successfully.

Charles Meyer, representative for the owner, was present to request 90-days to bring the property into compliance. Mr. Meyer stated that he had completed a plan of action and would provide it to City staff.

CM Crews made the following motion, "I move that the City Council find that the Building(s) located at 1716 Lawther based on evidence presented at the April 26, 2011 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 with the recent ownership change, it is prudent to consider amending the April 26, 2011 Order to allow the new ownership additional time in which to comply; and 3)

that the building(s) is/ are feasible of repair and therefore ORDER the Buildings to be repaired BY THE OWNER OF RECORD; and 4) THEREFORE ORDER that the building 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 60 days or by the Lienholder or Mortgagee to within an additional 30-days if the Owner of Record does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and 6) that the Owner of Record will be required to pay substandard fees in the amount of 150 dollars prior to the final inspection and before the structure will be released from substandard and 7) if the work is not complete within 60-days, the order can be amended for an additional 30-days with a plan of action." Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

13. CONSIDER APPROVAL TO GO OUT FOR BIDS ON THE INSTALLATION OF AN AIR BUBBLER SYSTEM DESIGNED TO REDUCE TTHM'S IN THE CLEARWELL AT THE RIVER OAKS WATER PLANT

CS Gregory requested to initiate the bidding process to purchase and install an air bubbler system for the water treatment plant that may exceed \$50,000.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to allow CS Gregory to go out for bids on the installation of an air bubbler system designed to reduce TTHM's in the Clearwell at the River Oaks Water Plant. All voted "Aye."

14. DISCUSSION AND/OR ACTION ON THE UPCOMING ALL AMERICAN FESTIVAL TO BE HELD ON JUNE 25, 2011 IN THE SUPER SAVE PARKING LOT AT 5116 RIVER OAKS BLVD

Community Center Staff gave an update on the All American Celebration scheduled for June 25, 2011. Staff did not pursue vendors this year. Food and drinks will be available for purchase. The Aaron Sandoval Band will perform at a cost of \$300. It was noted that the cost of the band is a budgeted expense.

No action was taken.

15. CONSIDER APPROVAL TO HOLD QUARTERLY TALENT CONTESTS AT THE COMMUNITY CENTER

Community Center staff requested permission to hold a quarterly talent show. Admission and entry fees would be charged. Council Members approved the idea of a talent show and requested detailed information.

No action was taken.

16. CONSIDER APPROVAL OF MAYOR'S RECOMMENDATION TO APPOINT RON SHORT AS THE CITY'S FIRE CHIEF

This agenda item was discussed following executive session. Refer to agenda item number 23 for action taken.

17. CONSIDER APPROVAL OF DANIEL LUNA AS A RESERVE POLICE OFFICER

[At 9:25 p.m. Mayor Earwood left the dais and Mayor Pro Tem Gordon became the presiding officer.]

PC Chisholm requested approval to hire a reserve officer.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Daniel Luna as a reserve officer. All voted "Aye."

18. CONSIDER SCHEDULING WORKSHOP FOR THE 2011 BOARD AND COMMISSION APPOINTMENTS

Council Members agreed to a workshop on June 27, 2011 at 7:00 p.m. at the Community Center with the Board Chairs present.

[At 9:33 p.m. Mayor Earwood returned to the dais.]

No formal action was taken.

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

19. CONSIDER APPROVAL OF **ORDINANCE # 881-2011** APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ("STEERING COMMITTEE") AND ONCOR ELECTRIC DELIVERY COMPANY LLC REGARDING THE COMPANY'S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION

CS Gregory explained that the proposed ordinance incorporates a rate increase as negotiated by the Steering Committee of Cities resulting in an average residential increase of \$2.35 per month. The increase would occur in two stages, one on July 1, 2011 and the second on January 1, 2012.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Ordinance No. 881-2011. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE # 882-2011** AMENDING THE FY 2010-2011 BUDGET BY TRANSFERRING \$16,797.00 FROM DEPARTMENT # 530 "COUNCIL APPROVED" IN ACCOUNT 01-530-5485 (PURCHASE OF 1129 ST. EDWARDS) TO ACCOUNT # 01-530-5486 (OHIO GARDEN PROPERTY); AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Earwood stated that the proposed ordinance would allow the transfer of funds from purchase of St Edwards property account to pay the taxes on 5201 Ohio Garden Rd as discussed at the last regular meeting of the City Council.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance No. 882-2011. All voted "Aye."

PUBLIC FORUM:

21. 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**

Mayor Earwood gave the opportunity for public comments.

None.

EXECUTIVE SESSION:

22. 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 9:42 p.m. Mayor Earwood convened into executive session under 551.074-Personnel matters.]

RECONVENE:

[At 10:08 p.m. Mayor Earwood reconvened into regular session.]

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve the Mayor's recommendation to appoint Ron Short as the City's Fire Chief. All voted "Aye."

ADJOURN:

24. ADJOURN

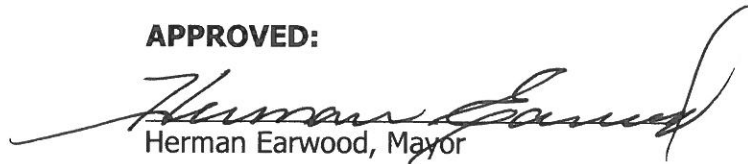
At 10:09 p.m. CM Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting.

CM Holland gave a reminder that the "Crud Mobile" would be at City Hall on Saturday, June 18, 2011 from 9:00 am until 11:00 a.m.

Mayor Earwood announced that Snoball Express has offered free snowcones for City employees during working hours.

At 10:13 p.m. CM Crews moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye."

APPROVED:



Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary