

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 24, 2012**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
CITY ATTORNEY BETSY ELAM
OFFICE MANAGER PAULA LUCK
SECRETARY CELINA MORENO

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, July 24, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD James Hatley delivered the Invocation.

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

Sandra Brown 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 COUNCIL MEETING JULY 10, 2012
- B. MINUTES OF SPECIAL CALLED MEETING JULY 17, 2012
- C. BILLS PAYABLE FOR PERIOD ENDING JULY 24, 2012
- D. APPROVAL OF EDC 3RD QUARTER FINANCIAL REPORT.
- E. APPROVAL OF CCPD 3RD QUARTER FINANCIAL REPORT.
- F. APPROVAL OF 3RD QUARTER INVESTMENT REPORT.

G. APPROVAL OF CCPD RESOLUTION 2012-01

H. APPROVAL OF SANDRA BROWN AS A RIVER OAKS RESERVE OFFICE.

Mayor Earwood directed staff to remove item H. for further deliberation.

~~Mayor Earwood moved, seconded by CM Gordon,~~ **CM Gordon moved, second by CM Butler, to approve consent agenda items A, B, C, D, E, F, and G, 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

H. APPROVAL OF SANDRA BROWN AS A RIVER OAKS RESERVE OFFICE.

PC Carter explained that Sandra Brown completed her Associate Degree in Criminal Justice and completed 696 hours in Police Academy. He recommends we make her a Reserve Peace Officer for River Oaks and informed the council she will follow up with training as a FTO (field training officer).

CM Gordon moved, seconded by CM Ashton, to approve Sandra Brown as Reserve Officer. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ ACTION:

7. CONSIDER APPROVAL OF **RESOLUTION # 736-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR JOHN KNOX PRESBYTERIAN CHURCH TO HOLD A FALL FESTIVAL ON THE CHURCH PROPERTY LOCATED AT 4350 RIVER OAKS BLVD.

Greg Hendrickson of John Knox Church was present and stated the Pastor was out of town and could not be present. He explained that they are requesting an approval to hold a Fall Festival on church property, as well as approval to sale pumpkins until the last day of the month and to receive a waiver of permit fees if possible. CS Gregory stated that the permit fees may be waived if approved by council but permits still needed to be obtained.

The Fall Festival is planned to be the same as last year, free for the kids. The funds will be utilized to fill the food pantries which in turn help feed about 1,000 families a month.

CM Butler moved, seconded by CM Gordon, to approve Resolution # 736-2012 & waive permit fees for special event permitting of John Knox Presbyterian Church to hold a Fall Festival. All voted "Aye."

8. CONSIDER APPROVAL OF REQUEST BY KYLE H. SMITH, RECORD PROPERTY OWNER AT 1162 GLENWICK, TO REFUND MOWING LIEN.

No representative was present. CS Gregory verified that when Kyle H. Smith purchased the property he did not know about the lien, it was during a holiday and basically the city in following the time limits established by ordinance, did not get the documentation filed before he closed on the property.

CM Gordon moved, seconded by CM Butler, to refund the money to Kyle H. Smith @ 1162 Glenwick. All voted "Aye"

9. CONSIDER APPROVAL TO EXPEND ADDITIONAL FUNDS FROM THE CITY'S MINERAL REVENUES FUNDS IN ORDER TO MEET THE DISABILITY REQUESTMENTS FOR THE SIDEWALK CONSTRUCTED ON THE NORTH SIDE OF BARBARA RD.

Mayor Pro Tem Crews asked if funds for disability requirements were not previously calculated in the project. CS Gregory stated that yes they were, but one was left out which caused the project to be short \$1,200.

CM Butler moved, seconded by CM Ashton, to approve the request to expend additional funds from the City's Mineral Revenue Funds to meet the disability requirements for the sidewalk on the north side of Barbara Rd. All voted "Aye"

10. DISCUSSION AND/OR ACTION UNDER THE WNV MOSQUITO SURVEILLANCE REPORT PURSUANT TO RESOLUTION 552 AS PRESENTED BY PWD HATLEY.

PWD Hatley announced that we have a new hot zone. Tests were made at the vacant lot by Camp Carter. He summarized the mosquito information from the Community Luncheon explaining their life span and where they breed. He also presented an estimate of \$225 per ¼ mile to treat the mosquitoes in the city's ditches and drain channels, adding that the treatment would only kill the mosquitoes on contact within 5 minutes of treatment.

No action taken.

11. CONSIDER APPROVAL TO AMEND THE WATER FUND FY 2011-2012 BUDGET FOR THE EMERGENCY REPAIR OF THE JOHN DEERE 580 BACKHOE.

PDW Hatley stated that so far this year, this is the first repair he's had to send out. Our mechanic has been able to repair all other problems on site. The estimate is for \$6500 including both brakes and head gasket but CS Gregory is requesting \$7000 in the event there are any unforeseen costs.

CM Gordon moved, seconded by Mayor Pro Tem Crews to approve the amendment to the water fund FY 2011-2012 Budget for the emergency repair of the John Deere 580 backhoe for \$7,000. All voted "Aye"

12. DISCUSSION AND/OR ACTION ON THE ATTENDANCE OF TML 100TH ANNUAL CONFERENCE & EXHIBITION IN GRAPEVINE ON NOVEMBER 13TH THROUGH 16TH.

Mayor Earwood pointed out that last year TML Conference was held out of the area and we chose not to attend. He stated that council should attend this year since it is local. Mayor Pro Tem Crews stated that parking is \$17 per day and that it would be best to increase the budget for this event by 2-3 thousand dollars. CM Gordon expressed her concern of traveling back and forth and felt we should possibly consider making accommodations for lodging. CM Holland recommended the city should pay mileage but parking would be optional. CS Gregory agreed that the budget needs to be increased.

CM Holland moved, seconded by Mayor Pro Tem Crews to support the attendance of the council to TML Conference and let CS Gregory know specifically which items you need to be registered for. All voted "Aye"

13. SCHEDULE DATE OF PUBLIC HEARING ON ALL CITY BUDGETS FOR FY 2013.

CS Gregory announced that the plan was for September 11, 2012.

Mayor Pro Tem Crews moved, seconded by CM Gordon to approve the September 11, 2012 date for the Budget Public Hearings. All voted "Aye"

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF **ORDINANCE NO. 933-2012** AMENDING THE WATER FUND FY 2012-2013 BUDGET FOR THE EMERGENCY REPAIR OF THE JOHN DEERE 580 BACKHOE.

No discussion occurred.

CM Gordon moved, seconded by CM Ashton to approve ordinance No. 933-2012.

15. CONSIDER APPROVAL OF **ORDINANCE NO. 934-2012** AMENDING SECTION 12.02.009 "TRUCK ROUTES" OF THE RIVER OAKS CODE OF ORDINANCE ESTABLISHING RUCK ROUTES TO BE USED BY TRUCKS OF A GLOSS WEIGHT OF MORE THAN TEN THOUSAND (10,000) POUNDS.

Mayor Earwood requested that Agenda Item #15 be done consequently with item #16. See agenda item #16 for motion.

16. CONSIDER APPROVAL OF **ORDINANCE NO. 935-2012** AMENDING SEC. 12.05.010 "PARKING OVERSIZED VEHICLES" (d) "EXEMPTIONS" OF THE RIVER OAKS CODE OF ORDINANCES.

PC Carter recommended that the truck routes be established by ordinance and signs should be placed on Roberts Cut Off and River Oaks Boulevard designating those streets as the only two truck routes. He also stated that school buses as well as box trucks and other such vehicles not exceeding the load capacity of 10,000 pounds should be exempt.

Mayor Pro Tem Crews moved, seconded by CM Butler to approve both Ordinance No. 934-2012 and Ordinance No. 935-2012. All voted "Aye"

17. CONSIDER APPROVAL OF **ORDINANCE NO. 936-2012** AMENDING THE WATER FUND FY 2011-2012 BUDGET BY TRANSFERRING FUNDS WITHIN THE FUND FOR EXPENDITURES OF FUNDS ON UNPLANNED PROJECTS.

CS Gregory proposed to transfer funds from within the Water Fund for unplanned projects in order to avoid expanding the budget at this time. This is needed because of having to relocate the sedimentation from Larry Kaye's property back to the plant, it necessitated we rent equipment of sufficient size to do so.

CM Gordon moved, seconded by Mayor Pro Tem Crews to approve Ordinance No. 936-2012 amending the water fund 2011-2012 budget by transferring funds within the fund for expenditures of funds on unplanned projects. All voted "Aye"

18. CONSIDER APPROVAL OF **RESOLUTION #737-2012** AUTHORIZING REPRESENTATIVES OF THE CITY TO TRANSMIT AND/OR WITHDRAW FUNDS FOR INVESTMENT IN TEXTPOOL.

See agenda item #19 for motion.

19. CONSIDER APPROVAL OF **RESOLUTION # 738-2012** AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY'S BANK ACCOUNTS.

Mayor Earwood explained that when we change Mayor Pro Tem we have to change the name on the bank accounts.

CM Gordon moved, seconded by CM Holland to approve Resolution # 737-2012 and Resolution # 738-2012 amending authorized representatives on the city's bank accounts. All voted "Aye"

STAFF REPORTS:

20. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 1129 ST. EDWARDS – CS Gregory reported that we have several people come in that are interested in the property that is scheduled to go to auction in September. Gregory stated we are working with the delinquent tax attorney on auctioning off this property.
- 1205 CHURCHILL – Under civil penalty, HUD is not interested in taking it as substandard property. City Attorney Elam proposed to take a look at this and see what the best route is.

- 1409 LAWRENCE – Under civil penalty, HUD is not interested in taking it as substandard property. City Attorney Elam proposed to take a look at this and see what the best route is.
- 4525 ALMENA – Under civil penalty, HUD is not interested in taking it as substandard property. City Attorney Elam proposed to take a look at this and see what the best route is.

21. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 1712 LAWOTHER – Plumbing and Electric complete, reissued permits until August 13.
- 715 ISBELL – Permits have been issued and expire in 30 days.
- 5032 SHERWOOD – Permits were issued this week, voluntary compliance for 120 days.
- 620 WORTHVIEW – They are waiting on CS Gregory's orders.

22. POLICE DEPT. MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

PC Carter reported that he had a meeting with school officials and was informed that Reach High School will be closed all year. They also got on the same page about school signs and 2 way streets. They will also mark school zones that have never been marked. Mayor Pro Tem Crews asked how many crossing guards will be needed at the new AV Cato. PC Carter confirmed that we've had 5 in the past and with the moving of A.V. Cato, two of the five will go to the new A.V. Cato, and the other 3 will be at Castleberry Elementary for a total of 5 as we have had in the past but it will be monitored to see if all 5 are still needed.

PC Carter reported that Castleberry Elementary will be completed in the Fall of 2013 and Sandra Brown's vest had been ordered and will be ready in about two months.

No action.

23. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE.

Assistant Chief Hawkins reported that they have lost a big funding portion due to the fact that Bingo has been at a loss for the past few years. The department did not renew their license with them this year for that reason. For the past 20 years Bingo has donated over 20 thousand dollars, which has helped purchase a new command truck, cameras, t-shirts and sleepwear. Today, that funding is gone and something has to be

done to make up for that loss because it's becoming a danger to work shorthanded. He encouraged the council to review the plan submitted to them by Chief Short.

Mayor Earwood assured he understood the severity of the issue and meetings will be called in order to work hand in hand with everybody involved in resolving this matter.

No action.

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

No discussion or action.

25. LIBRARY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATROL ASSISTANCE

No discussion or action.

26. 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.

27. PUBLIC WORKS 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.

Mayor Pro Tem Crews asked if we use the Chipper Truck, PW Hatley explained that the chipper truck is slow and hard to get to work but we do use it when there's a big storm. Mayor Earwood suggested that we use it on Wednesdays because we need to find ways to cut down on expenses.

No action.

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

No discussion or action.

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

CM Butler questioned on the America the Beautiful event, she asked why the expense was so high and she pointed out that the city should be profiting more than 20%. CM Holland stated that the 20% split from the event didn't look right. CS Gregory stated he would look into it. CM Holland also brought up that the monitoring expense was high and it looked like too many hours were reported. Paula stated that she reviews the monitored hours. CM Holland suggested we monitor that expense and make sure it works how it is meant to.

CM Holland asked if we do the child care/day care at the Community Center. Mayor Earwood stated no, not to his knowledge. CM Holland was also concerned about the stripes painted in the intersection of Roberts Cut Off and River Oaks Blvd. It was explained that they are meant to keep people behind the stop line so vehicles from Black Oak would be able to get across the road.

CM Ashton announced that Saturday would be the Benefit for Marques, the White Settlement Fire Fighter who went to Castleberry ISD and grew up here. He stated it would be an all-day activity at Dickies.

Mayor Earwood pointed out that there is not much concrete left from the old Caravan Inn.

No action.

30. **CITY SECRETARY ACTIVITY REPORT** INCLUDING RVENUE FROM SALES TAS, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

No discussion or action.

31. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROPECTS AND BIG IMPROVEMENT GRANT APPLICATIONS.

No discussion or action.

32 **STORM WATER TASK FORCE 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:

33. 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:

34. 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 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

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

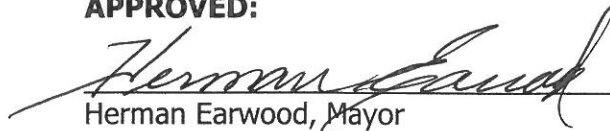
No action was taken.

ADJOURN:


36. ADJOURNMENT

At 8:26 p.m. CM Holland moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary