

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JULY 13, 2010**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF DAN CHISHOLM  
BUILDING INSPECTOR STEVEN SANDERS  
SECRETARY SUSAN STEWART  
ASSISTANT FIRE CHIEF CHRIS HAWKINS

**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 13, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION**

Council Member Crews delivered the Invocation.

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

Council Member Holland 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 JUNE 22, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING JULY 13, 2010
- C. APPROVAL OF THE BIG GRANT APPLICATION AT 5500 MEANDERING RD.
- D. APPROVAL OF INVESTMENT REPORT
- E. APPROVAL OF E.D.C. QUARTERLY REPORT THRU JUNE 30, 2010
- F. APPROVAL OF CRIME COMMISSION QUARTERLY REPORT THRU JUNE 30, 2010

Council Member Holland requested that agenda item C be removed from the consent agenda.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Council Member Holland presented the recommendation of the EDC to approve the BIG application of Darren Houk for improvements to the property at 5500 Meandering Road.

Darren Houk was present, stating that he and his wife had recently purchased the entire lot at the corner of Meandering Road and Yale, including all three structures. Mr. Houk indicated that the structure on Meandering would be an office for a roofing company. Mr. Houk described his plans to install a privacy fence around the business, install new awnings and stucco the exterior of the building at 5500 Meandering (formerly a snow cone stand).

**Council Member Holland moved, seconded by Council Member Butler, to approve the BIG application for 5500 Meandering Road as presented. All voted "Aye."**

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

**7. CONSIDER APPROVAL OF THE 2010 BOARD AND COMMITTEE APPOINTMENTS AS RECOMMENDED BY THE MAYOR**

Mayor Earwood requested that the resignation received for one of the board positions not be accepted at this time.

**Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to approve the 2010 Board and Committee Appointments as recommended by the Mayor.**

Council Member Crews read the recommendations for the board appointments. It was announced that all applications that were received were appointed to board positions.

Royce Shields asked if Mr. Blair was placed on the Zoning Board of Adjustments. Mayor Earwood replied that Mr. Blair did not return an application.

**All voted "Aye."**

**8. CONSIDER APPROVAL TO SCHEDULE A JOINT TRAINING OF ALL CITY BOARDS AND COMMITTEES THAT INCLUDES RULES OF ORDER, PROCEDURES AND DECORUM OF MEETINGS**

Mayor Earwood explained the importance of a joint training session for all board members.

CS Gregory stated that he would report to the Council with some proposed dates for the training sessions.

Mayor Pro Tem Gordon requested that the open meetings training videos be made available to board members.

**Council Member Crews moved, seconded by Council Member Butler, to approve a mandatory joint training session for all city boards and committees that includes rules of order, procedures and decorum of meetings. All voted "Aye."**

9. CONSIDER APPROVAL OF REQUEST FROM SPORTS PROMOTION NETWORK TO SPONSOR CASTLEBERRY HIGH SCHOOL BASKETBALL

Mayor Earwood stated that the City is not allowed to sponsor this type of request.

**No action was taken.**

10. APPEARANCE OF RALPH H. GOURLEY SR. REQUESTING COUNCIL APPROVAL TO REFUND THE BUILDING PERMIT FEE FOR PERMIT # 0024831

Ralph Gourley was present to request a refund for a building permit that he had obtained but did not commence with the work.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to refund the full amount of the building permit fee for permit # 0024831 since no work was done. All voted "Aye."**

11. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ISSUED ON JUNE 8, 2010 ON THE PROPERTY AT 1728 HILLSIDE DR.

CS Gregory stated that Staff is in receipt of an engineering report for the foundation at 1728 Hillside as requested by the Council.

Lucia Comacho, KCS Properties, was present to request 30-days to repair the foundation and an additional 60-days to repair the remaining substandard violations. Council Members requested that an engineer certify the foundation and the City Inspector approved the foundation repair prior to commencement of the additional repairs.

**Council Member Crews moved, seconded by Council Member Minter, to amend the existing substandard building order in order to allow 90-days to complete all repairs and remove from substandard condition. All voted "Aye."**

12. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ISSUED ON JUNE 22, 2010 ON THE PROPERTY AT 4833 OHIO GARDEN RD.

Jene Vega, 4833 Ohio Garden, was present, stating that she was unaware that she had to appear again before the City Council. Mrs. Vega stated that she had requested to permit the entire scope of work at one time but was denied by City Staff. Mayor Earwood responded that the Council made it clear at the previous meeting that a 21-day permit would be issued in order to make the structure "livable." Council Member Crews added that the Council had ordered an inspection of the livable area within 21-days. Mrs. Vega stated that an inspection is scheduled for Wednesday (the following day after the council meeting). Council Members Crews reminded Mrs. Vega that if the structure does not comply with the 21-day order that was given, the structure must be vacated.

**[At 7:42 p.m. Mayor Earwood convened into Executive Session under Section 551.071-Pending or contemplated litigation or to seek advice from an attorney]**

**[At 8:04 p.m. Mayor Earwood reconvened into Regular Session]**

Mayor Earwood asked Mrs. Vega if the required corrections as ordered were complete. Mrs. Vega replied that the repairs were complete.

Mayor Earwood requested communication with David Vega. Mrs. Vega denied the request.

Council Member Crews stated that a 90-day permit could be issued for a value of \$50,000. Mrs. Vega disagreed with the value set by the Council for the scope of work. Mayor Earwood added that the \$50,000 value could be re-evaluated after the repairs are made.

**Council Member Crews moved, seconded by Council Member Minter, to amend the existing substandard building order to allow 90-days from July 13, 2010 to complete the repairs and remove from substandard condition. All voted "Aye."**

13. CONSIDER APPROVAL OF CITY BANNER DESIGN AND PURCHASE OF CITY BANNERS

Mayor Earwood pointed out a sample banner for River Oaks Boulevard to be funded by the EDC.

[At 8:19 p.m. Mayor Earwood left the dais; Mayor Pro Tem Gordon assumed the role of presiding officer.]

After much discussion, Council Members requested the following changes to the banner design: 1) replace the gray background with green; increase the visibility of the "motto" by using bold font or increasing the size of the font; remove the period that follows "Future"; remove "[www.](http://www.)" from the banner.

Mayor Pro Tem Gordon announced that this agenda item would be presented with the changes at the next regular meeting of the City Council.

**No action was taken.**

14. CONSIDER APPROVAL TO PARTICIPATE WITH RCC IN SUPPORT OF NCTCOG SUBMITTING A PROPOSAL TO HUD AND DOT TO FUND MAJOR PLANNING STUDIES FOR THE COMMUNITIES SURROUNDING THE JOINT RESERVE BASE

CS Gregory reported that the North Central Texas Council of Governments (NCTCOG) is requesting a letter of support to submit with a \$1 million grant proposal that would fund planning studies for the communities surrounding the Naval Air Station.

**Council Member Crews moved, seconded by Council Member Butler, to approve participation with RCC in support of NCTCOG submitting a proposal to HUD and DOT to fund major planning studies for the communities surrounding the Joint Reserve Base. All voted "Aye."**

15. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE FIRE DEPARTMENT DOLLAR DONATIONS FOR THE PURCHASE OF LOCKERS FOR THE BUNK ROOM

Assistant Fire Chief Hawkins was present to request to expend dollar donation funds for additional lockers that would create a place for personal items for firefighters since enrollment in the department has increased.

**Council Member Crews moved, seconded by Council Member Butler, to expend funds from the Fire Department Dollar Donations for the purchase of one set of lockers for the bunkroom in the amount of \$878. All voted "Aye."**

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

16. CONSIDER APPROVAL OF ORDINANCE # **848-2010** AMENDING ARTICLE 7.02 "MUNICIPAL COURT OF RECORDS"

CS Gregory explained that the proposed ordinance allows the city judge to appoint temporary alternate judges that may be necessary when both appointed judges and alternate judges are unavailable. In addition, the proposed ordinance clarifies the term of the judge. Currently the Code states that the City Council appoints the judge for a 2-year term concurrent with the term of the Mayor. With the recent charter election, the term of the Mayor has changed to 3-years. However, the law establishes judge's terms to be either two or four years. The proposed ordinance allows for the appointment of the judge for 2-year terms beginning in 2011.

**Council Member Holland moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 848-2010 as presented. All voted "Aye."**



17. CONSIDER APPROVAL OF ORDINANCE # 849-2010 AMENDING THE 2010 BUDGET REGARDING BUILDING IMPROVEMENTS AT THE COMMUNITY CENTER

CS Gregory summarized the proposed Ordinance that would amend the budget to cover the additional cost of installing the pavilion and covered walkway at the Community Center by \$7,406.20. The total cost of the project was \$17,406.20 with the EDC funding \$10,000.

[At 8:49 p.m. Mayor Earwood returned to the dais.]

**Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Ordinance No. 849-2010 as presented. All voted "Aye."**

18. CONSIDER APPROVAL OF ORDINANCE # 850-2010 AMENDING THE 2010 E.D.C. BUDGET

No discussion.

**Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve Ordinance No. 850-2010 amending the EDC budget by \$1,000 for banners. All voted "Aye."**

19. CONSIDER APPROVAL OF ORDINANCE # 851-2010 AMENDING THE 2010 CRIME CONTROL AND PREVENTION DISTRICT BUDGET

No discussion.

**Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to amend the 2010 Crime Control and Prevention District Budget by \$1,523 to install additional equipment on the vehicle purchased for the Police Chief. All voted "Aye."**

20. CONSIDER APPROVAL OF RESOLUTION # 683-2010 INCREASING THE UNAPPROPRIATED BALANCE OF THE ECONOMIC DEVELOPMENT CORPORATION FUND FOR A PROJECT RELATED TO RECREATIONAL OR COMMUNITY FACILITIES SUITABLE FOR USE AS AMATEUR SPORTS (BASKETBALL COURT) COSTING MORE THAN \$10,000. (FIRST READING)

**No discussion and/or action.**

**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**

**Council Member Crews** inquired about progress with TXDOT on the median project. CS Gregory indicated that no response had been received.

**Mayor Pro Tem Gordon** expressed appreciation to Extreme Pyrotechnic, and Joe and Nancy Crews, for the fireworks show at the All American Celebration.

**Mayor Earwood** announced that Cowtown Bowling Center has a new owner who intends to upgrade the facility and bring quality entertainment to the area.

**Mayor Earwood** announced that the skate park is scheduled for completion this Friday.

**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:
- 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 7:42 p.m. Mayor Earwood convened into Executive Session under Section 551.071-Pending or contemplated litigation or to seek advice from an attorney]**

**[At 8:04 p.m. Mayor Earwood reconvened into Regular Session]**

**[At 8:53 p.m. Mayor Earwood convened into Executive Session under Section 551.071-Pending or contemplated litigation or to seek advice from an attorney]**

**[At 9:06 p.m. Mayor Earwood reconvened into Regular Session]**

**RECONVENE:**

See above.

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

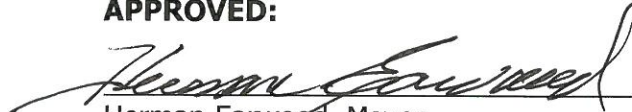
**Refer to agenda item # 12 for action taken.**

**ADJOURN:**

24. ADJOURN

**At 9:06 p.m. Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary