

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 24, 2009**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JACK ADKISON
COUNCIL MEMBER R.R. "BOB" MINTER
COUNCIL MEMBER SHERRIE UPTMORE DAST

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
OFFICE MANAGER PAULA BAGWELL
BUILDING INSPECTOR STEVE SANDERS
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

MEMBERS ABSENT:

MAYOR PRO TEM HOLLAND (PERSONAL CONFLICT)
COUNCIL MEMBER JOE CREWS (OUT OF TOWN)

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:01 p.m. on Tuesday, February 24, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Citizen JoAnn Gordon gave the Invocation.

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

Citizen Don Istook led the pledges of allegiance to the United States and the Texas Flags.

[At 7:01 p.m. Mayor Earwood recessed the Regular Meeting of the City Council in order to reconvene the Special Called Meeting of the River Oaks Crime Control and Prevention District.]

[At 7:08 p.m. Mayor Earwood reconvened the Regular Meeting of the City Council.]

4. READING OF PROCLAMATION(S) BY MAYOR

Mayor Earwood read a proclamation declaring April 2009 as Clean Up Month and April 25, 2009 as Clean Up Day in the City of River Oaks.

5. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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.

6. **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 FEBRUARY 10, 2009
- B. MINUTES OF THE CITY COUNCIL SPECIAL CALLED MEETING FEBRUARY 17, 2009
- C. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 24, 2009
- D. MAYOR'S RECOMMENDATION ON THE APPOINTMENT OF APRIL OLMO AS THE CODE ENFORCEMENT MEMBER TO THE STORM WATER TASK FORCE

Council Member Dast inquired about payment to City Judge Andy Vogel. Office Manager Bagwell responding that Judge Vogel is paid separately for arraignments.

Council Member Dast moved, seconded by Council Member Adkison to approve Consent Agenda Items A, B, C and D,. All voted "Aye."

PERSONAL APPEARANCES AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF CONTRACT FOR SERVICES WITH LONE STAR AMUSEMENTS FOR RENTAL OF RECREATIONAL EQUIPMENT AT THE COMMUNITY CENTER

Volunteer Shirley Wheat was present to submit the request of the Community Center to contract with Lone Star Amusements for entertainment equipment at the All American Celebration scheduled to take place on June 27, 2009 at the Community Center. The equipment would include a water slide, a power jump, and a mind winder that would be staffed and overseen by an employee of Lone Star Amusements. A deposit of \$1,000 would be required upfront and an additional \$995 would be paid the day of the event. The City would receive 15% of the profits from the power jump and the water slide and 10% of the profit from the mind winder. Ms. Wheat stated that if the event should have to be rescheduled for any reason, Lone Star Amusements would retain the original \$1,000 deposit and the event could be rescheduled without penalty as long as the equipment has not actually been delivered.

Council Member Dast suggested that Community Center Staff be mindful of noise caused from fireworks that could impact the neighbors in the vicinity of the Community Center.

City Attorney Elam recommended that the contract include a provision regarding insurance naming the City of River Oaks as one of the insured.

Council Member Dast moved, seconded by Council Member Adkison to approve to enter into a contract for services with Lone Star Amusements for

the rental of recreational equipment at the Community Center for the All American Celebration with the stipulation that the City of River Oaks sells the tickets for the use of the equipment and that an insurance clause be added to the contract. All voted "Aye."

8. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND

Mayor Earwood stated that in addition to the stage chair lift as presented in the original request that was supplied in the Council Packet, the Community Center is requesting additional funding in order to repair a small portion of the foundation and add some decorative brick work for a total cost of approximately \$5,500.

Council Member Adkison moved, seconded by Council Member Minter to expend \$5,500 from the Community Center dollar donation fund for the stage chair lift, foundation repair and brick work at the Community Center. All voted "Aye."

9. CONSIDER APPROVAL OF RACIAL PROFILING REPORT OF THE RIVER OAKS POLICE DEPT. PURSUANT TO S.B. 1074

PC Chisholm presented a Racial Profiling Report as required in accordance with the Texas Racial Profiling Law (S.B. 1074). Each officer is required to complete a data sheet for each traffic stop made. The data collected is broken down into categories of race/ethnicity and compared with drivers in the 76114 Zip Code as well as with the most current census report.

Council Member Adkison moved, seconded by Council Member Dast to accept the Racial Profiling Report of the River Oaks Police Department as presented. All voted "Aye."

10. CONSIDER SCHEDULING WORKSHOPS FOR THE FISCAL YEAR 2009-2010 BUDGET

CS Gregory reviewed a tentative budget workshop schedule.

Council Members agreed to hold a budget workshop on Tuesday, March 3, 2009 at 7:30 p.m.

11. CONSIDER APPROVAL OF THE CASTLEBERRY HIGH SCHOOL EXES ASSOCIATION BEING RECOGNIZED AS A CIVIC GROUP IN RIVER OAKS AS BEING REQUESTED BY LEIGH MELTON

Leigh Melton, Castleberry Exes Association President, was present to request that the City recognize Castleberry Exes Association as a civic group.

Council Member Adkison moved, seconded by Council Member Dast to recognize Castleberry High School Exes Association as a civic group in the City of River Oaks.

12. CONSIDER APPROVAL OF THE REQUEST OF ANGELICA GARCIA OF ANGELS PAINT & BODY REPAIR SHOP AT 5067 RIVER OAKS BLVD. IN ORDER TO KEEP THEIR REPAINTED SIGNAGE ON THE BUILDING.

Angelica Garcia, owner of Angel's Paint and Body Repair Shop, was present to request the Council consider allowing the hand painted signage to remain on the building at 5067 River Oaks Blvd. Ms. Garcia stated that she had inquired about changing the colors on the commercial building when she applied for a permit to open up one of her bay doors. Ms. Garcia stated that City Staff responded that there are no stipulations on painting. Mayor Earwood replied that City Staff responded correctly if Ms. Garcia inquired about painting and not signage.

CS Gregory stated that once the sign was painted over, the sign couldn't be replaced in accordance to the sign ordinance. Painted Signs on buildings are prohibited unless it identifies a business and its street number and is less than 3-feet in size.

Council Member Adkison stated that the sign ordinance is too stringent if a sign cannot be painted.

Mayor Earwood and ~~Council Member Crews~~ agreed that hand painted signage resembles graffiti.

Council Member Dast commented that this same ordinance was recently enforced at the Piñata Shop and the business owner was required to remove the hand painted signage.

Council Member Dast moved, seconded by Council Member Minter to deny the request of Angelica Garcia to keep a repainted sign on the building located at 5067 River Oaks Blvd. based on what other businesses have been told. Council Members Dast and Minter voted "Aye." Council Member Adkison voted "Nay." Request denied.

STAFF REPORTS:

13. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

Building Inspector Sanders gave an update to the Council on the following properties:

- 5116 KESSLER RD.-Inspector Sanders reported no change.
- 1732 LAWTHORP-Inspector Sanders reported no change and the demolition order expires on April 9, 2009.
- 1705 LONG-Inspector Sanders and CS Gregory sought Council direction regarding the current zoning ordinance that requires all substandard properties to have a concrete driveway since this property was originally considered substandard prior to the adoption of the current Zoning Ordinance. Mayor Earwood stated that Staff could request a concrete drive be installed but could

not enforce an ordinance that went into place after the property was originally deemed substandard. Inspector Sanders reported all violations have been abated and only cosmetic repairs remain.

- 4820 KESSLER-Inspector Sanders reported continual progress in being made.
- 5020 TULANE-Inspector Sanders reported that the owner has until March 5, 2009 to repair the property before further enforcement action would be taken.
- 741 LYNDA-Inspector Sanders reported no progress and stated that this property will come before the Council for substandard consideration in the near future.
- 5116 TULANE-Inspector Sanders reported that electrical standards have been met. A plumbing permit has been obtained that expires in 30-days. The junk and debris must be removed by February 27, 2009 or citations will be issued.

14. STAFF REPORT: SUBSTANDARD PROPERTIES UNDER CONSIDERATION

- 4804 KESSLER-Inspector Sanders reported that a 10-day Intent to Substandard Letter was mailed to the owner.
- 5513 BAYLOR-Inspector Sanders reported that a 10-day Intent to Substandard Letter was mailed to the owner.
- 1136 ST. EDWARDS-Inspector Sanders reported that a 10-day Intent to Substandard Letter was mailed to the owner.
- 1122 ST. EDWARDS-Inspector Sanders reported that a 10-day Intent to Substandard Letter was mailed to the owner.
- 1129 ST. EDWARDS-Inspector Sanders reported that a 10-day Intent to Substandard Letter was mailed to the owner.

15. STAFF REPORT: CERTIFICATE OF OCCUPANCY PERMITS

Building Inspector Sanders gave an update to the Council on the following property:

- 5513 PURDUE AVE.-Sanders reported that all violations previously listed on the Certificate of Occupancy have been abated EXCEPT for combustion air venting as required.

Robert Olson, property owner at 5513 Purdue, stated that the property is up to code and indoor airflow is acceptable according to the Fuel Gas Code. Mr. Olson also cited that when one code is more restrictive than another, the most stringent takes precedence and that combustion air cannot be screened in the attic.

Building Official Gregory stated that after reviewing the Fuel Gas Code his interpretation stands but he would accept an affidavit from a mechanical engineer verifying Mr. Olson's

position. Gregory also stated that the Certificate of Occupancy Permit Requirements is the more restrictive of the requirements.

Mayor Earwood requested the Building Official and the Building Inspector review the Plumbing Code and the Fuel Gas Code and report the findings back to the City Council at the next regular meeting.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

16. POLICE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY AND RESPONSE CALLS, AS WELL AS NUMBER OF CRIMINAL INVESTIGATION CASES, AMOUNT OF WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED.

No questions.

PC Chisholm informed the Council that anti-abortion protestors had been present at Castleberry High School with graphic signs during student release. Once officers arrived the protestors left the premises.

PC Chisholm reported that a Warrant Roundup would be conducted on March 14, 2009 and a Junk Vehicle Roundup on March 21, 2009.

17. FIRE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF CALLS FOR SERVICE.

No correspondence.

18. INSPECTIONS/CODE COMPLIANCE MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

No correspondence.

19. LIBRARY MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

No correspondence.

20. 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 correspondence.

21. PUBLIC WORKS MONTHLY 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.

No correspondence.

22. PARKS AND RECREATION MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS/ACTIVITIES (TO BE PROVIDED AT THE COUNCIL MEETING) AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD.

No correspondence.

23. CITY SECRETARY MONTHLY ACTIVITY REPORT INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

No correspondence.

PUBLIC FORUM:

24. 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.**

An unidentified citizen inquired about recent mailings from the City regarding TTHMs in the City's Water Supply.

CS Gregory stated that State Law requires the City to inform citizens when the annual average of the last four quarters sampling of the TTHM level is over 80 ug/L. CS Gregory explained the annual averaging process and assured all in attendance that the water is safe to drink. CS Gregory stated that the last quarter sampling resulted in a measurement of 71.5 ug/L, which if not for the over 80 results of the first two quarter, the levels would be in compliance with the maximum contaminant level of TTHM.

An unidentified citizen inquired as to whether of not Bud Ball's gas station would re-open. Staff was unaware of any activity related to the gas station.

Council Member Minter inquired about a screening fence requirement should a new tenant occupy the property where the gas station was located. CS Gregory replied that a screening fence would not be required unless the occupancy **use** changes.

Council Member Adkison commended the Fire Department for exceptional service as indicated by a letter received from the family of a resident who had lost their home due to a recent fire.

Mayor Earwood stated that Firefighters entered the burning structure to obtain a very special memorial flag given to the property owner by his deceased father.

EXECUTIVE SESSION:

25. 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

None called for.

RECONVENE:

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

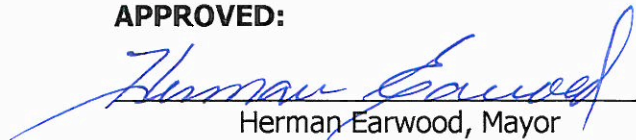
None.

ADJOURN:

27. ADJOURN

At 8:31 p.m. Council Member Dast moved, seconded by Council Member Adksion, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary