

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
APRIL 28, 2009**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM STEVE HOLLAND  
COUNCIL MEMBER JACK ADKISON  
COUNCIL MEMBER JOE CREWS  
COUNCIL MEMBER R.R. "BOB" MINTER  
COUNCIL MEMBER SHERRIE UPTMORE DAST

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
FIRE CHIEF BILL CREWS  
POLICE CHIEF DAN CHISHOLM  
BUILDING INSPECTOR STEVE SANDERS  
SECRETARY SUSAN STEWART  
ATTORNEY FREDERICK QUAST FOR BETSY ELAM

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, April 28, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Fire Chief Crews gave the Invocation.

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

Fire Chief Crews led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR

None.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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

CS Gregory noted that a corrected version of Bills Payable for the 2008-2009 Fiscal Year was passed out by hand to each Council Member.

**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 APRIL 14, 2009

B. BILLS PAYABLE FOR PERIOD ENDING MARCH 31, 2009 (2008-2009 FISCAL YEAR)

- C. BILLS PAYABLE FOR PERIOD ENDING APRIL 28, 2009 (2009-2010 FISCAL YEAR)
- D. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT FOR PARTICIPATION IN SIDNE PROGRAM

**Council Member Crews 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. SPECIAL APPEARANCE OF KATHERINE WILSON IN APPRECIATION TO THE CITY OF RIVER OAKS

Katherine Wilson thanked all present and past Mayors, Council Members, and Volunteers for their contribution in making a difference in the City of River Oaks. Mrs. Wilson individually thanked each current Council Member, CS Gregory, PC Chisholm, FC Crews Nancy Crews, Shirley Bloomfield, and Mayor Earwood and she presented each one with a token of appreciation.

**No action was taken.**

- 8. CONSIDER APPROVAL OF E.D.C. 4<sup>TH</sup> QUARTER REPORTS THRU MARCH 31, 2009

EDC President Gordon submitted the following 4<sup>th</sup> quarter report of the EDC for approval: The beginning operating cash flow balance for the 4<sup>th</sup> quarter was **\$131,339.48**; Sales Tax for the quarter totaled **\$36,361.23** and interest from the bank was **\$17.35** for total revenue of **\$36,378.58**; total revenue combined with the beginning balance resulted in total balance of **\$167,718.06**. Expenditures for the quarter included Personnel Costs of **\$2,875.74** for EDC Coordinator and **\$10,436.79** for a public works employee; **\$1,850** for set up and break down of seasonal banners; **\$4,831.25** to Adams Engineering for services performed at Wooldridge Park; **\$19,963** to Backyard Fun Factory for playground equipment at the Community Center; and **\$995** to Lone Star Amusements for a deposit for the All American Celebration; resulting in total expenditures of **\$40,951.78**; ending cash flow balance for the 4<sup>th</sup> quarter was **\$126,766.28**. Texpool beginning balance was **\$342,489.09** plus interest for the quarter of **\$621.71**, yielding a total ending balance in the bank and Tex Pool of **\$469,877.08**.

**Mayor Pro Tem Holland moved, seconded by Council Member Crews to approve the EDC 4<sup>th</sup> quarter reports as presented. All voted "Aye."**

- 9. CONSIDER APPROVAL OF CRIME DISTRICT 4<sup>TH</sup> QUARTER REPORTS THRU MARCH 31, 2009

President Holland reported the beginning balance for 4<sup>th</sup> quarter was **\$131,533.74**; Sales Tax for the quarter totaled **\$30,483.17**; interest from the bank was **\$17.68** resulting in total revenues of **\$30,500.85**; Expenditures for the quarter included Personnel Costs for Detective Salary and benefits at **\$5,000.03**, and **\$7,750** for 25% of Salary Increases resulting in total personnel expenditures of **\$12,750.03**; Supplies at **\$58.38** for fuel; **\$113.25** for mobile phone; Fleet purchases included **\$997** for radios, **\$22,868** for the 3<sup>rd</sup> of 5 payments on the Animal Control Truck, and **\$780** for graphics on the Animal Control Vehicle; and **\$1,904.70** for Vests, resulting in total expenditures for quarter of **\$39,471.36**; yielding an ending bank balance of **\$122,563.23**.

Mayor Pro Tem Holland moved, seconded by Council Member Crews to approve the Crime District 4<sup>th</sup> quarter reports as presented. All voted "Aye."

10. CONSIDER APPROVAL OF 4<sup>TH</sup> QUARTER/ANNUAL INVESTMENT REPORT

CS Gregory submitted the 4<sup>th</sup> quarter Investment Report for approval: In the General Fund, the beginning balance was **\$2,636,614.81**, interest earned was **\$5,203.94**, deposits totaled **\$600,000**, **\$0** in withdrawals for an ending balance in the General Fund of **\$3,241,818.75**. Water and Sewer Fund beginning balance was **\$1,213,456.55**, interest earned was **\$2,283.95**, deposits totaled **\$150,000**, and **\$0** in withdrawals for a total ending balance of **\$1,365,740.50**.

In the Series 93 Reserve Fund, the beginning balance was **\$179,332.60**; interest earned was **\$325.55**, **\$0** in deposits and **\$0** in withdrawals for a total ending balance of **\$179,658.15**. In the Series 93 I & S Fund, the beginning balance was **\$179,754.31**; interest earned was **\$326.32**, **\$0** in deposits and **\$0** in withdrawals for a total ending balance of **\$180,080.63**. In the EDC Reserves Fund, the beginning balance was **\$342,489.09**; interest earned was **\$621.71**, **\$0** in deposits and **\$0** in withdrawals for a total ending balance of **\$343,110.80**.

CS Gregory submitted the annual Investment Report for approval: In the General Fund, the beginning balance was **\$3,545,683.66**, interest earned was **\$54,923.09**, deposits totaled **\$600,000** and **\$958,788** in withdrawals for an ending balance in the General Fund of **\$3,241,818.75**. Water and Sewer Fund beginning balance was **\$1,050,495.90**, interest earned was **\$19,444.60**, deposits totaled **\$395,800** with **\$100,000** in withdrawals for a total ending balance of **\$1,365,740.50**. In the Series 93 Reserve Fund, the beginning balance was **\$196,183.80**, interest earned was **\$3,274.35**, **\$0** in deposits and **\$19,800** in withdrawals for a total ending balance of **\$179,658.15**. In the Series 93 I & S Fund, the beginning balance was **\$202,770.14**, interest earned was **\$3,310.49**, **\$0** in deposits and **\$26,000** in withdrawals for a total ending balance of **\$180,080.63**. In the EDC Reserves Fund, the beginning balance was **\$337,032.17**; interest earned was **\$6,078.63**, **\$0** in deposits and **\$0** in withdrawals for a total ending balance of **\$343,110.80**.

CS Gregory reported that investments are stable even with the low interest rates. The City is required to have 60-days operating expenses in reserves and at this time the City has approximately 9-months of operating expenses.

**Council Member Crews moved, seconded by Council Member Minter to approve the 4<sup>th</sup> quarter annual investment report. All voted "Aye."**

11. DISCUSSION AND/OR ACTION ON SWTF APRIL REPORT GIVEN BY CHAIRMAN DON ISTOOK

Don Istook, Chairman of the Storm Water Task Force, gave an open invitation to the Community to attend Storm Water Task Force open meetings on the third Tuesday of each month at 6:30 p.m. at the River Oaks Community Center. Chairman Istook summarized the goal of the Storm Water Task Force which is to educate the public, business owners, and school children on the effect of storm water.

**No action was taken, this item was a report only.**

12. CONSIDER APPROVAL OF REQUEST OF CLINTON D. WILLIAMS FOR CITY TO COMPLETE 120-FEET OF FENCING ALONG THE SOUTHEAST SIDE OF MCGEE PARK NEXT TO 1475 GLENWICK DR.

A representative was not in attendance. Mayor Earwood requested this item be postponed until the owner could be present. Council Member Adkison suggested that Staff confer with the Park Board regarding the fence project referenced in this request that never reached completion.

**No action was taken.**

13. CONSIDER APPROVAL TO AMEND THE DEMOLITION ORDER ON 1732 LAWTHER ISSUED ON FEBRUARY 11, 2009

Carmen Blanco, owner of the property at 1732 Lawther, was present with an interpreter, Jose (last name indiscernible), to request the Council consider allowing the garage and the foundation to remain on the property at 1732 Lawther. Jose stated the intention of Ms. Blanco is to rebuild on the property within approximately one year. Ms. Blanco presented an engineering report that states the foundation has minimal cracking and the fire did not damage the foundation.

Council Members discussed allowing the foundation to remain provided that the property, including the foundation, is properly maintained until new construction can begin. Council Members expressed concern regarding the accessory structure that had been declared substandard. Jose then requested additional time to demolish the accessory building on behalf of Ms. Blanco.

**Council Member Crews made the following motion "I move to approve amending the demolition order for 1732 Lawther in order to allow the owner an additional 30-days to remove the metal building located on the rear of the property and to allow the owner to leave the current foundation provided the foundation and the lot are properly maintained." Motion seconded by Council Member Dast. All voted "Aye."**

14. DISCUSSION AND/OR ACTION ON THE INFORMAL LETTER AGREEMENT FOR OFF DUTY LAW ENFORCEMENT STAFFING AT COWBOYS STADIUM IN ARLINGTON (PRESENTED BY CHIEF CHISHOLM)

PC Chisholm requested the Council approve for officers to participate in off-duty law enforcement activity at the new Dallas Cowboys Stadium. The City of Arlington is not the employer in this case.

**Council Member Crews moved, seconded by Council Member Dast to authorized PC Chisholm to work with and assist in providing off duty law enforcement staffing at Cowboys Stadium. All voted "Aye."**

15. CONSIDER APPROVAL OF APPLICATION FOR BUSINESS IMPROVEMENT GRANT PROGRAM (PRESENTED BY EDC COORDINATOR BILL CREWS)

EDC Coordinator Crews presented a rough draft brochure and a combination application and agreement draft for the Business Improvement Grant Program. Council Member Crews asked if the City Attorney's Office had reviewed the application and agreement. Attorney Quast was receptive to the document as an application but requested that the City Attorney draft a separate agreement. Council Member Adkison noted that the City of Sealy was mentioned multiple times through out the contract and requested the actual application and agreement reflect the City of River Oaks. Council Members requested additional time to review the brochure and application and directed Staff to request the Office of the City Attorney draft a contract that may be customized for each applicant. Council Member Crews encouraged Council Members to be prepared to move forward with the Business Improvement Grant at the next regular meeting.

**Council Member Crews moved, seconded by Council Member Adkison to approve the application for the Business Improvement Grant Program and directed Staff to work with the City Attorney's office to prepare a separate contract. All voted "Aye."**

16. DISCUSSION AND/OR ACTION ON RIVER OAKS VOLUNTEER FIRE DEPT. LIFE INSURANCE COVERAGE (PRESENTED BY FIRE CHIEF CREWS)

FC Crews requested the Council consider changing life insurance providers from VFIS to Provident for volunteer firefighter's life insurance and accidental death insurance. The current contract with VFIS expires April 30, 2009. FC Crews quoted a proposal from Provident that offers better benefits for volunteers at of cost of \$16,506, an additional \$3506 over what was originally budgeted.

**Mayor Pro Tem Holland moved, seconded by Council Member Dast to approve Provident as the provider for life insurance coverage at a cost of \$16,506 for the annual premium. All voted "Aye."**



**STAFF REPORTS:**

**17. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:**

- 4833 OHIO GARDEN RD. – Building Inspector Sanders reported active building permits that expire in August 2009. A notice of accrued civil penalties was mailed to the owner, who then contacted CS Gregory to express her disagreement. Council requested advice from the City Attorney's Office at the next meeting.
- 5116 KESSLER- BI Sanders reported that on April 13, 2009 the foundation inspection was approved. An active building permit for siding, sheetrock and rotten wood replacement expires in July 2009.
- 741 LYNDA – BI Sanders reported no progress has been made on the Council Order to repair that expires May 9, 2009. This property is due to come before the Council for an administrative hearing in May or June, pending proper notification.
- 5020 TULANE – BI Sanders reported that the prospective owners, Stan Cumberledge and Gene Monroe, have maintained the exterior of the property. Stan Cumberledge, new owner of the property, was present with closing documents and stated that the proper permits would be obtained next week.
- 5116 TULANE – BI Sanders reported that the electrical and plumbing inspections have been approved. An active building permit expires May 4, 2009. Johnny Martinez, owner and occupant of the property at 5116 Tulane, was present to request additional time to complete the repairs. Council Member Crews referred Mr. Martinez to CS Gregory since this item is under voluntary compliance and does not have a Council Order related to it. CS Gregory replied that the property was under the order of the Building Official and if repairs were not complete Staff would bring the property before the Council for a Public Hearing.
- 1136 ST. EDWARDS – BI Sanders reported progress following an inspection on April 10, 2009. An active building permit expires on June 3, 2009.
- 1122 ST. EDWARDS – BI Sanders reported an active building permit expires on June 24, 2009. No progress checks have occurred.
- 4804 KESSLER – BI Sanders reported this property is in compliance and has been removed from substandard.
- 4710 RIVER OAKS BLVD. (1308 LONG) - BI Sanders reported the building permit for exterior work and sheetrock was approved on April 13, 2009 and the plumbing permit was approved on April 23, 2009. The owner is in the process of obtaining an electrician. Mayor Pro Tem Holland commented that this piece of undeveloped property is prime for future development if properly marketed.

- 1309 GREENBRIER – BI Sanders reported an active permit for demolition of the hardwood floors expires October 23, 2009 and plans are underway to remodel the house due to damage caused by the recent fire.

18. **STAFF REPORT: SUBSTANDARD PROPERTIES UNDER CONSIDERATION**

- 1129 ST. EDWARDS – BI Sanders reported this property will come before the Council on May 12, 2009 for a Public Hearing.

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

Mayor Earwood gave an opportunity for questions or comments related to monthly department reports.

19. **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 discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

23. **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.**

24. **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 EQUIPMENT REPAIRS.

**No discussion or action.**

**25. 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 discussion or action.**

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

**No discussion or action.**

**PUBLIC FORUM:**

27. 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.**

**Shirley Minter** commented that she had received a complaint regarding unauthorized usage of the dumpster belonging to a church on Meandering Road. CS Gregory suggested that the church could obtain a lock for the dumpster by contacting IESI, the contractor used by the City to dispose of commercial solid waste.

**PC Chisholm** stated that the police department would be participating in the "Click it or Ticket" Program beginning May 11<sup>th</sup> and continuing through the memorial weekend holiday and citations would be issued for failure to wear seatbelts.

**PC Chisholm** noted that traffic on Meandering Road may increase during the weekend of May 15 and May 16, 2009 due to an air show at the Naval Air Station Joint Reserve Base that includes a free concert by Trace Adkins.

**Council Member Adkison** gave a reminder of the Chamber of Commerce Event "Salute to the Military" on May 7, 2009.

**Council Member Adkison** offered tickets for purchase to the annual Lions Club Pancake Breakfast on May 9, 2009



**Mayor Pro Tem Holland** stated the he would be absent from the meeting of the City Council on May 12, 2009 due to a trip to Washington DC to lobby Congress on behalf of special needs families.

**Council Member Crews** inquired about the impact that Charter Communications bankruptcy would have on River Oaks Citizens. Mayor Earwood responded that the bankruptcy should only affect creditors and not customers. Mayor Earwood directed CS Gregory to contact Charter Communications to insure that proper publications to educate citizens were in effect.

**Mayor Earwood** gave a reminder of the upcoming CCDAC fundraiser on April 30, 2009.

**Mayor Earwood** thanked volunteers and employees who helped make Cleanup Day 2009 a huge success. Mayor Earwood directed CS Gregory to extend thanks to Little Ceaser's and Domino's Pizza for providing food to volunteers.

**Mayor Earwood** inquired about the Crud Mobile. CS Gregory responded that Crud Mobile would be available in September for the disposal of hazardous materials.

**Mayor Earwood** invited all candidates, both City and School District, and citizens to a watch party on Election Day, May 9, 2009 at the River Oaks Community Center beginning at 5:00 p.m.

#### **EXECUTIVE SESSION:**

28. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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:**

29. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

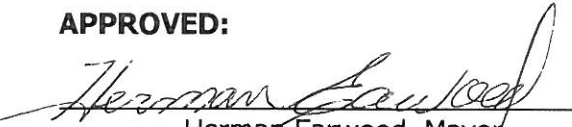
**None.**

**ADJOURN:**

30. ADJOURN

**At 9:03 p.m. Council Member Adkison moved to adjourn the meeting, seconded by Council Member Crews. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary