

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 13, 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
CITY ATTORNEY BETSY ELAM

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF CHISHOLM
FIRE CHIEF BILL CREWS
OFFICE MANAGER PAULA BAGWELL
SECRETARY SUSAN STEWART
WATER OFFICE CLERK PAULA NIELSEN

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, January 13, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member 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

Mayor Earwood read a proclamation declaring January 2009 as School Board Recognition Month.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 BOTH CITY COUNCIL MEETINGS DECEMBER 9, 2008 (FIRST MEETING) AND DECEMBER 9, 2008 (SECOND MEETING)

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 13, 2009

C. MAYORS RECOMMENDATION FOR THE HIRING AND RESIGNATION OF
PUBLIC WORKS EMPLOYEES

D. FY 2009 MUTUAL AID AGREEMENT WITH TARRANT COUNTY EMERGENCY
SERVICES

**Council Member Crews moved to approved Consent Agenda Items A,B,C, and
D. Motion seconded by Council Member Dast. All voted "Aye."**

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

7. APPEARANCE OF ROBERT OLSON REGARDING CODE CLARIFICATION AND
EXTENSION OF CERTIFICATE OF OCCUPANCY PERMIT AT 5513 PURDUE

Council granted the request of CS Gregory to place Agenda Item # 7 on the next
Regular Meeting Agenda for January 27, 2009.

8. APPEARANCE OF CHAD J. BURGESS AT 5309 NOTRE DAME REQUESTING TO BE
REIMBURSED FOR THE COST OF ROOFING MATERIALS ALLEGEDLY TAKEN BY THE
SANITATION DEPARTMENT

A representative was not present for the property at 5309 Notre Dame.

No action was taken.

9. CONSIDER APPROVAL OF THE JOB DESCRIPTION FOR THE ECONOMIC
DEVELOPMENT COORDINATOR

**Mayor Pro Tem Holland moved to approve the job description for the
Economic Development Coordinator as presented. Motion seconded by
Council Member Dast. All voted "Aye."**

10. UPDATE ON THE CONSTRUCTION OF THE STAGE AT THE COMMUNITY CENTER
(REQUESTED BY FIRE CHIEF BILL CREWS)

FC Crews showed pictures and gave an update of the progress of stage construction at
the Community Center.

None action was taken.

11. CONSIDER APPROVAL OF CONTRACTUAL AGREEMENT WITH CORNERSTONE
DESIGN GROUP TO PERFORM ENGINEERING SERVICES FOR THE WOOLRIDGE PARK
IMPROVEMENTS

Hub Makarwich, Park Board Chairman, was present to request the Council consider approving an agreement with Cornerstone Design Group to provide engineering services at Wooldridge Park.

Mayor Pro Tem Holland pointed out that some items listed in the basic services contract are also listed as additional services for an additional fee.

Council directed Staff to obtain additional information and get approval from the City Attorney prior to re-presenting the contract to the Council on January 27, 2009.

No action was taken.

12. CONSIDER APPROVAL TO PAY FY 09 EMERGENCY PREPAREDNESS FEES TO NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

Council Member Dast moved to approve to pay the Fiscal Year Emergency Preparedness Fees to North Texas Central Council of Governments in the amount of \$ 2,000 as presented. Motion seconded by Mayor Pro Tem Holland. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENTS ON THE CITY'S PROPOSED PROJECT PROPOSAL FOR THE 35TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

At 7:42 p.m. Mayor Earwood opened the Public Hearing.

CS Gregory passed out questionnaires to all in attendance, for public input, regarding the City's proposal for the 35th year CDBG Program. The reported tabulations of the public questionnaires resulted in Water Lines ranking number 1, followed by Sewer Lines. Staff's recommendation for this year's project was in accordance to the Sanitary Sewer Outreach (SSO) Initiative Agreement with TCEQ that mandated the City to renovate all deteriorated sewer lines over the next 10-years. Staff recommended the replacement of the sewer line on Melba Ct in the amount of \$105,000 including engineering. Staff anticipates CDBG funding in the amount of \$70,000 and recommended the city pledge an additional \$35,000 to complete the project on Melba Court.

At 7:47 p.m. Mayor Earwood closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RESOLUTION # **642-09** AUTHORIZING THE CITY'S PARTICIPATION AND PROJECT PROPOSAL IN THE 35TH YEAR CDBG PROGRAM.

Council Member Crews moved to adopt Resolution # 642-09 authorizing the submittal of the City's CDBG project proposal of approximately \$105,000 for

the 35th year CDBG Program (FY 2009) as recommended by the Public Works Director, authorizing the City Pledge of \$35,000 to the project and designating Cheatham and Associates as the Project Engineer. Motion seconded by Council Member Adkison. All voted "Aye."

15. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON THE ADOPTION OF A HAZARD MITIGATION ACTION PLAN.

At 7:49 p.m. Mayor Earwood opened the Public Hearing.

FC Crews presented a plan that is required for any city that desires to have any federal funds for hazard mitigation services. One major project specific to River Oaks is a study of the drainage channel behind City Hall and the best way to mitigate the hazards presented by the channel that runs throughout the City.

At 7:54 p.m. Mayor Earwood closed the Public Hearing.

16. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RESOLUTION # 640-09 ADOPTING THE FORT WORTH HAZARD MITIGATION ACTION PLAN AS THE CITY'S HAZARD MITIGATION ACTION PLAN.

Council Member Dast moved to adopt Resolution # 640-09 adopting the Fort Worth Hazard Mitigation Action Plan as the City's Hazard Mitigation Action Plan. Motion seconded by Council Member Minter. All voted "Aye."

17. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ON SUBSTANDARD PROPERTY AT 5008 HARTFORD DR.

Jimmy Lowenstein, Levy's Properties, was present to request additional time to bring the property into full compliance since significant progress has been made and only minor violations remain.

Council Member Adkison moved to approve amending the Substandard Building Order for the property at 5008 Hartford allowing an extension until January 27, 2009. Motion seconded by Council Member Crews. All voted "Aye."

18. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ON SUBSTANDARD PROPERTY AT 1821 MONTROSE DR.

CS Gregory reported that 1821 Montrose is in full compliance and has been released from Substandard Condition.

No action was taken.

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

19. CONSIDER APPROVAL OF ORDINANCE # **808-09** AMENDING ARTICLE 13.02 "UTILITY POLICY".

CS Gregory and Water Office Clerk Paula Nielsen presented suggested changes to the Utility Policy as follows: 1) Setting a cut-off and penalty threshold of \$25.00-allowing accounts with a balance of less than \$25.00 to avoid disconnection; 2) Establishing a time schedule for finaling an account-An account will be finaled and a new deposit required 14 days after an account has been disconnected for non-payment; 3) Establishing a more exact explanation of billing dates-allowing flexibility of billing dates relative to holidays and weekends; 4) Other charges-related to disconnection and reconnection-adding a pull meter fee of \$25.00; 5) Reconnection fees and other charges to be billed on the next month's bill-allowing the reconnection fee to be billed on the next month's bill subject to approval by the City Secretary, Office Manager and/or Mayor; 6) Title changes-replace "Utility Manager" with "Office Manager"; 7) Reasons for discontinuing service-add the ability of the Building Official to order the water be disconnected due to substandard violations; 8) Removal of late fee-allowing Staff to remove a late fee one time per year and 9) Payment arrangements-limiting the ability of water customers to make payment arrangements up to four arrangements per year subject to approval of the City Secretary, Office Manager, or Mayor.

Council Member Crews moved to adopt Ordinance # 808-09 amending Article 13.02 "Utility Policy" as presented. Motion seconded by Council Member Minter. All voted "Aye."

20. CONSIDER APPROVAL OF ORDINANCE # **809-09** AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.009 " METER DEPOSITS AND OTHER FEES".

This Agenda Item was discussed consecutively with Agenda Item # 19.

Council Member Adkison moved to adopt Ordinance 809-09 amending Article 13.03 "Water System", Section 13.03.009 "Meter Deposits and other fees." Motion seconded by Council Member Crews. All voted "Aye."

21. CONSIDER APPROVAL OF ORDINANCE # **810-09** AMENDING SECTION 3.07.015 "INSPECTION WHEN BUILDINGS ARE VACATED", REVISING THE CERTIFICATE OF OCCUPANCY MINIMUM CHECKLIST.

CS Gregory presented suggested revisions to "Inspection when buildings are vacated" as follows: 1) Article and Section numbers of the appropriate Code were added for clarity; and 2) Sealed weather proofing door and self closing device on the hot water heater closet.

After discussion, Council decided to remove the requirement to have a self-closing device on the door of hot water heater closets.

Council Member Dast moved to adopt Ordinance # 810-09 amending Section 3.07.015 "Inspection When Buildings are Vacated," revising the Certificate of Occupancy Minimum Checklist as revised by the Council. Motion seconded by Council Member Minter. All voted "Aye."

STAFF REPORTS:

22. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

- 5116 KESSLER RD.-Jimmy Lowenstein, Levy's Properties, reported no change obtaining an executor for the estate.
- 4836 OHIO GARDEN RD.-CS Gregory reported the property is in full compliance.
- 4809 LANGLEY-CS Gregory reported the property is in full compliance.
- 1117 OXFORD-CS Gregory reported that the City has hired Action Excavation and the structure has been demolished.
- 4837 SHERWOOD-CS Gregory reported no changes.
- 1705 LONG-CS Gregory reported no updates but a driveway would be required prior to Substandard Release.
- 4820 KESSLER-Jimmy Lowenstein, Levy's Properties, reported that all fees to the City have been paid and work has begun under voluntary compliance.
- 5008 PENROD- CS Gregory reported the property is in full compliance.
- 1732 LAWOTHER-CS Gregory reported that Staff is awaiting a title search.
- 5020 TULANE- CS Gregory reported that Staff is awaiting a title search.
- 4833 OHIO GARDEN RD.-CS Gregory reported that Staff explained to the owner that any building permit renewals would require Council approval. Permits expire 1/29/2009 and 2/23/2009. Mayor Earwood directed Staff to issue citations.
- 4841 SHERWOOD-CS Gregory reported the property is in full compliance.

23. STAFF REPORT: SUBSTANDARD PROPERTIES UNDER CONSIDERATION

CS Gregory reported the following properties are under consideration for Substandard Conditions:

- 5005 THURSTON-Awaiting title search
- 4804 KESSLER-Awaiting title search

- 1611 NANCY LANE-Awaiting title search
- 741 LYNDAL-Posted Substandard following Police Department contacting the Building Inspector.
- 5116 TULANE-Posted Substandard following citizen complaint.

24. STAFF REPORT: 1915 ROBERTS CUT OFF RD.

CS Gregory reported that the permit to construct the fence has been obtained and expires January 31, 2009.

PUBLIC FORUM:

25. 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.

Jimmy Lowenstein, Levy's Properties, informed the Council of 6 pit bull dogs at 5008 Penrod that create a hazard to his new tenant at 5012 Penrod. Mayor Earwood replied that Staff would resolve the issue.

EXECUTIVE SESSION:

26. 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.

RECONVENE:

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

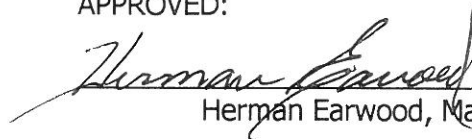
None.

ADJOURN:

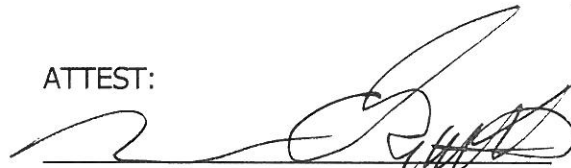
28. ADJOURN

At 9:02 p.m. Council Member Adkison moved to adjourn the meeting. Motion seconded by Council Member Minter. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary