

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 27, 2009**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
LIEUTENANT AVIN CARTER
FIRE CHIEF BILL CREWS
SECRETARY SUSAN STEWART
BUILDING INSPECTOR STEVE SANDERS

MEMBERS ABSENT:

JACK ADKISON (INCLEMENT WEATHER)
CITY ATTORNEY 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, January 27, 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

Mayor Pro Tem Holland 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 celebrating the 60th Anniversary of the River Oaks Masonic Lodge # 1311.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 JANUARY 13, 2009

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 27, 2009

C. MAYORS RECOMMENDATION FOR THE HIRING OF A CODE COMPLIANCE OFFICER

Mayor Pro Tem Holland moved to approve the Consent Agenda. Motion seconded by Council Member Dast. All voted "Aye."

PERSONAL APPEARANCES AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. APPEARANCE OF JIMMY FETCHER OF CORNERSTONE DESIGN GROUP REGARDING APPROVAL OF THE CONTRACTUAL AGREEMENT WITH CORNERSTONE DESIGN GROUP TO PERFORM ENGINEERING SERVICES FOR THE WOOLDRIDGE PARK IMPROVEMENTS

Jimmy Fletcher, Cornerstone Design Group, was present to address Council Member's concerns regarding the contractual agreement for engineering services for the Wooldridge Park Improvements. Mr. Fletcher explained the concern over the option of probably costs refers to additional engineering services that would be sub-contracted out at an additional cost and is not included as part of the basic services. Mr. Fletcher assured the Council that the contract agreement is designed to allow for progress in stages.

CS Gregory stated that the "environmental site assessment" is a requirement when applying for state grants for park improvements and is included in the basic contract.

Mayor Pro Tem Holland moved to approve for the Mayor to enter into an agreement for professional services with Cornerstone Design Group once the contract has been reviewed and approved by the City Attorney. Motion seconded by Council Member Dast. All voted "Aye."

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

Robert Olson, 5513 Purdue, was present to request a 90-day extension to complete repairs due to pending litigation. Mr. Olson indicated that all violations on the Certificate of Occupancy have been corrected with the exception of the combustion venting tube in the hot-water heater closet. Mr. Olson expressed concern that if he alters the roof to add a turbine as recommended, it would be considered an alteration to the roof and could affect the lawsuits he is involved in. Mr. Olson refused to correct the combustion venting violation.

Mayor Earwood informed Mr. Olson that he must meet the minimum requirements for occupancy or the City would proceed with enforcement action.

No action was taken.

9. CONSIDER APPROVAL OF PORTABLE INDUSTRIALIZED CLASSROOM BUILDINGS BEING LOCATED ON CISD PROPERTY AT 5228 OHIO GARDEN RD.

Brian Franks, CISD, was present to request approval of the placement of two portable buildings at Castleberry Elementary.

FC Crews stated that the Portable Buildings must be tied into the existing Fire Alarm System and he recommended that the portable buildings be located as plotted on one of the site plans in order to provide ample room for fire fighting apparatus.

Mayor Pro Tem Holland moved to approve the portable classroom buildings being located on CISD property at 5228 Ohio Garden with the stipulation that the portable buildings be tied into the Fire Alarm System. Motion seconded by Council Member Crews. All voted "Aye."

10. DISCUSSIONS AND/OR ACTION ON PROPOSAL BY CHEATHAM AND ASSOCIATES FOR EROSION CONTROL TO THE DRAINAGE CHANNEL ACROSS LYDICK PARK.

CS Gregory stated that for the City to stabilize the channel, which has caused erosion to the property at 4808 Black Oak, the City Engineer recommends constructing a concrete liner at an anticipated cost of \$35,000. To resolve the problem, the City Engineer recommends obtaining easements and installing concrete liners along all the private property and city property so the entire channel would be included and the City could maintain it. CS Gregory stated that previous attempts to obtain easements have failed due to the fact that not all property owners agreed to release the property to the City.

Mayor Pro Tem Holland noted that based on drainage studies, the City should consider initiating a storm water fee that would be incorporated into water bills.

Mayor Earwood suggested that this Agenda Item be discussed in the upcoming budget workshops and that no action be taken at this time.

No action was taken.

11. CONSIDER APPROVAL OF AMENDED CONTRACT FOR COMMERCIAL SOLID WASTE COLLECTION WITH I.E.S.I.

CS Gregory spoke on behalf of I.E.S.I representative Norm Bulaich who was unable to attend the meeting due to inclement weather. The original contract references a downward fuel cost adjustment that should not have been included. CS Gregory stated that the City Attorney has reviewed the recommended revision and does not foresee a problem with removing the downward fuel adjustment clause.

Council Member Crews moved to approve amending the contract for commercial solid waste collection with I.E.S.I by removing the downward fuel cost adjustment clause from the current contract. Motion seconded by Council Member Dast. All voted "Aye."

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

No one was present to represent the Community Center or Lone Star Amusements.

Council Member Crews made a motion to deny approval of a contract for services with Lone Star Amusements for rental of recreational equipment at the Community Center. Motion seconded by Council Member Dast. All voted "Aye."

13. CONSIDER SCHEDULING A WORKSHOP REGARDING THE GRANT PREPARATION FOR BUSINESS INCENTIVES AS REQUESTED FOR BY ECONOMIC DEVELOPMENT COORDINATOR, BILL CREWS.

Based on the recommendation of FC Crews, Council Members agreed to schedule a workshop regarding the grant preparation for business incentives in conjunction with a budget workshop on February 17, 2009 at 7:00 p.m.

[At this time Council Member Minter left the dais.]

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

14. CONSIDER APPROVAL OF **RESOLUTION NO. 643-09** CALLING A GENERAL ELECTION FOR MAYOR AND CITY COUNCIL PLACES 1, 3 AND 5 TO BE ADMINISTERED BY TARRANT COUNTY ON MAY 9, 2009

14. PARA CONSIDERAR LA APROBACION DE **LA RESOLUCION NUM. 643-09** SE HACE UN LLAMADO A UNA ELECCION GENERAL PARA LA POSICION DEL ALCALDE Y CONSEJALES DE LA CIUDAD LUGARES 1, 3 Y 5 PARA SER ADMINISTRADOS POR EL CONDADO TARRANT EL 9 DE MAYO DEL 2009

Council Member Crews moved to approve Resolution No. 643-09 calling a general election for Mayor and City Council Places 1, 3, and 5 to be administered by Tarrant County on May 9, 2009. Motion seconded by Council Member Dast. All voted "Aye."

[Council Member Minter returned to the dais.]

STAFF REPORTS:

15. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

Building Inspector Sanders gave updates on the following properties:

- 4833 OHIO GARDEN RD. – Building Inspector Sanders reported that Staff has been unable to make entry to inspect any interior work currently in progress.

CS Gregory stated that the permits are approaching expiration and Staff requests some direction from Council.

Jean Vega, 4833 Ohio Garden, was present to report that T-411 siding would be installed on both buildings within the next few days in order to obtain compliance.

Council Members informed Mrs. Vega that permits would not be renewed but that new permits could be issued if proper permits applications are submitted including reasonable time frames for completion and the permit applications reflect the actual work to be done.

[At this time Mayor Earwood left the dais.]

Mayor Pro Tem Holland suggested to Mrs. Vega that she work with City Staff to correctly complete any permit applications necessary and bring a plan of action back to the Council at the next regular meeting on February 10, 2009.

[Mayor Earwood returned to the dais.]

Mayor Earwood cautioned Mrs. Vega to stop work when the permits expire to avoid citations and bring a plan of action back to the council.

Council Member Crews advised Mrs. Vega that when the back building is complete and the substandard violations have been corrected, the civil penalties would stop.

[At this time FC Crews advised Mayor Earwood and Council that weather conditions were deteriorating rapidly.]

Mayor Earwood asked that important comments and questions on any remaining agenda items be addressed at this time due to inclement weather.

- 5116 KESSLER RD.
- 5008 HARTFORD
- 4837 SHERWOOD
- 1705 LONG
- 4820 KESSLER
- 1732 LAWTHOR
- 5020 TULANE
- 741 LYNDIA
- 5116 TULANE
- 1611 NANCY

No action was taken.

16. STAFF REPORT: SUBSTANDARD PROPERTIES UNDER CONSIDERATION

- 5005 THURSTON
- 4804 KESSLER

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

17. 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.

18. FIRE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF CALLS FOR SERVICE (TO BE PROVIDED AT THE COUNCIL MEETING).

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

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

21. 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.

22. 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.

23. 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.

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

No discussion and / or action taken.

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.**

Citizen John Claridge commented that the paint job on the house at 5008 Hartford did not meet his expectation compared to the usual quality of work done by that contractor.

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 called for.

RECONVENE:

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

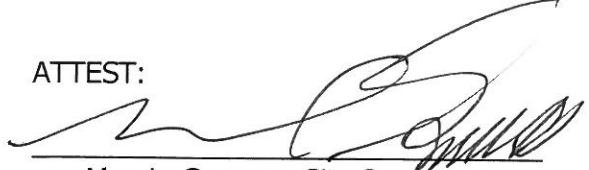
28. ADJOURN

At 8:43 p.m. Council Member Crews moved to adjourn the meeting. Motion seconded by Council Member Minter. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary