

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 22, 2009**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF BILL CREWS
BUILDING INSPECTOR STEVEN SANDERS
SECRETARY SUSAN STEWART
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 7:01 p.m. on Tuesday, September 22, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Crews delivered the Invocation.

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

Council Member Butler 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 October 6, 2009 as National Night Out 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

Mayor Pro Tem Crews requested to remove consent agenda item C for further discussion.

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 SEPTEMBER 8, 2009

B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 22, 2009

C. APPROVAL OF INTERLOCAL AGREEMENT FOR CONTINUED PARTICIPATION AT THE ENVIRONMENTAL COLLECTION CENTER

Mayor Pro Tem Crews moved, seconded by Council Member Gordon to approve consent agenda items A and B as presented. All voted "Aye."

CS Gregory responded to questions, stating that the fee of \$47 per household is defined as each delivery to the Environmental Collection Center and each load collected during the annual mobile collection event (Crud Mobile).

Mayor Pro Tem Crews requested that Council Members be given a report of how many times these services are used. CS Gregory stated that there were approximately 63 participants during the annual mobile collection event on September 19, 2009.

Council Member Holland asked if residents could use this service multiple times during the year. CS Gregory responded that there is not a limit. Mayor Pro Tem Crews replied that the City could receive a charge if more than 50 households use the service.

Council Member Holland moved, seconded by Mayor Pro Tem Crews, to approve the Interlocal Agreement for continued participation with the Environmental Collection Center as presented under Item C of the consent agenda. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL TO AWARD THE BID FOR THE GLENWICK STREET IMPROVEMENT PROJECT

Keith Hamilton, consulting engineer, recommended Gilco, the lowest bidder, for the street improvement project on Glenwick. Mr. Hamilton stated that the bid from Gilco does meet all of the bid specifications.

Council Member Gordon moved, seconded by Council Member Minter, to approve and award the bid for the Glenwick Street Project to Gilco Contracting in the amount of \$42,744.00 as presented. All voted "Aye."

8. CONSIDER APPROVAL OF CITY HOLIDAY SCHEDULE AND SET THE DATE FOR THE ANNUAL EMPLOYEE'S CHRISTMAS BANQUET

CS Gregory requested to close City offices on December 24, 25 and 31, 2009 and January 1, 2010 in observance of Christmas and New Year's Day.

CS Gregory recommended December 11, 2009 for the annual Christmas Employee Dinner.

Council Member Butler moved, seconded by Council Member Holland, to approve the City Holiday Schedule and the date for the Annual Christmas Banquet as presented. All voted "Aye."

9. DUKE PRITCHARD ON BEHALF OF DONNA SMITH AT 4717 ALMENA RD. REQUESTING APPROVAL TO ADJUST WATER BILL DUE TO A LEAK

Council Member Holland abstained from discussion and voting on this agenda item.

Duke Pritchard, 4717 Almena, was present to request additional time to pay an excessive water bill caused by a slab leak.

Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve a contractual payment arrangement in the amount of \$55 per month until arrears are paid in full (in addition to the regular monthly water bill) and to waive any late fees associated with the pertinent water leak bill. All voted "Aye."

10. CONSIDER APPROVAL OF REQUEST TO PLACE AN AD WITH THE CASTLEBERRY LIONS ATHLETIC PROGRAM

CS Gregory stated that the City has not placed a program ad since 2004.

Council Member Holland moved, seconded by Council Member Gordon, to approve the placement of an ad in the Castleberry Lions Athletic Program incorporating the City of River Oaks Logo and the words "City of River Oaks supports the CHS Lions." All voted "Aye."

11. CITY ATTORNEY IN REFERENCE TO LITIGATION REGARDING CITY OF RIVER OAKS VS. ARCADIO VEGA

[This agenda item was discussed following an executive session with the City Attorney, prior to agenda item number 18.]

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL:

12. CONSIDER APPROVAL OF **RESOLUTION # 661-09** AUTHORIZING CHEATHAM AND ASSOCIATES ENGINEERING TO RECOMMEND TO TARRANT COUNTY THE ACCEPTANCE OF HAL-ALBERT CONSTRUCTION, AS THE LOW BIDDER ON THE TARRANT COUNTY URBAN ENTITLEMENT, CDBG-R (RECOVERY ACT) FOR THE CITY OF RIVER OAKS; AWARDING THE CDBG-R PROJECT TO HAL-ALBERT CONSTRUCTION

CS Gregory presented the recommendation of the project engineer to approve the low bidder, Hal - Albert, for a project awarded to the City under the Recovery Act.

Mayor Pro Tem Crews moved, seconded by Council Member Butler, to approve Resolution Number 661-09 as presented. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING CONTINUED FROM JULY 28, 2009: SUBSTANDARD ENFORCEMENT ACTION REGARDING PROPERTY AT 5060 RIVER OAKS BLVD

Mayor Earwood announced that this public hearing is continued from July 28, 2009.

Wael Alsahili, owner of the property at 5060 River Oaks Blvd., was present to request an additional 60-days in order to sell the property and if he could not sell the property within that time frame, he would remove the underground tanks, the canopies and concrete parking lot. Mr. Alsahili stated that three potential buyers have expressed an interest in the property.

FC Crews informed Mr. Alsahili that beginning on September 30, 2009, and every 10-days thereafter, citations would be issued for failure to remove the underground tanks in accordance with the Fire Code.

CA Elam reiterated to Mr. Alsahili that the tanks must be removed and the City Council does not have the authority to allow additional time.

Mayor Earwood and Council Members discussed possible action related to the substandard conditions that include making the property a mowable lot.

Mr. Alsahili stated that there is not a lienholder on the property.

At 7:56 p.m. Mayor Earwood closed the public hearing.

Mayor Pro Tem Crews began a motion, the motion was not completed and a vote was not taken.

At 8:03 p.m. Mayor Earwood re-opened the public hearing and announced that this public hearing would remain open and be continued at the Regular Meeting of the City Council on October 27, 2009 at 7:00 p.m.

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5060 RIVER OAKS BLVD. THAT MAY INCLUDE SECURING, VACATING, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

Refer to agenda item number 13.

No action was taken.

15. PUBLIC HEARING: PUBLIC HEARING: CONSIDER REQUEST OF RODNEY ORAND TO AMEND ORDINANCE # 805-08 THAT CHANGED THE ZONING CLASSIFICATION OF APPROXIMATELY 0.3450 ACRES OF LAND DESCRIBED AS BEING BLOCK 16, LOT 9, CASTLEBERRY GARDENS ADDITION FROM A "C-1" COMMERCIAL

ZONING DISTRICT TO A "PC" PLANNED COMMERCIAL ZONING DISTRICT BY REVISING ORDINANCE # 805-08 SECTION 1 #13 "PARKING REQUIREMENTS BY USE", #14 "LANDSCAPING GENERALLY, #16 "LANDSCAPE IN PLANNED COMMERCIAL", #19 "FENCING", #20 "ACCESSIBILITY STANDARDS" AND #25, "SITE PLAN APPROVAL"

At 8:06 p.m. Mayor Earwood opened the public hearing.

Rodney Orand was present to request the parking requirements be lowered from 8 to 2 parking spaces, that the landscaping requirements include the plants that are for sale, and additional time to complete the screening fence requirements.

Mayor Pro Tem Crews expressed concern regarding the appearance of the property including empty plant containers that are not screened from public view and cautioned Mr. Orand that all of the provisions in the ordinance must be followed. CA Elam stated that if the containers are not stored in an area screened from public view as outlined in item # 24 of the proposed ordinance that a citation could be issued.

Mayor Earwood spoke favorably of allowing the parking requirements to be reduced to 2 places and encouraged Mr. Orand to consider relocating the sales office for all transactions to the City of River Oaks.

At 8:31 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 827-09** AMENDING ORDINANCE # 805-08 THAT CHANGED THE ZONING CLASSIFICATION OF APPROXIMATELY 0.3450 ACRES OF LAND DESCRIBED AS BEING BLOCK 16, LOT 9, CASTLEBERRY GARDENS ADDITION FROM A "C-1" COMMERCIAL ZONING DISTRICT TO A "PC" PLANNED COMMERCIAL ZONING DISTRICT BY REVISING ORDINANCE # 805-08 SECTION 1 #13 "PARKING REQUIREMENTS BY USE", #14 "LANDSCAPING GENERALLY, #16 "LANDSCAPE IN PLANNED COMMERCIAL", #19 "FENCING", #20 "ACCESSIBILITY STANDARDS" AND #25, "SITE PLAN APPROVAL"

Council Member Butler moved to approve Ordinance # 827-09 amending Ordinance # 805-08.

Council Member Gordon mentioned that Mr. Orand had originally stated his intention to install a gate on the front fence.

Council Member Holland verified with CS Gregory that Ordinance # 827-09 replaces Ordinance # 805-08.

Council Member Holland seconded the motion.

Mayor Pro Tem Crews cautioned Mr. Orand to comply with all provisions of the ordinance within the time frame allowed by the Council in order to avoid further enforcement action.

Council Member Holland proposed that the gate be addressed under item number 19 "Fencing" of Ordinance # 827-09.

All voted "Aye."

At 8:42 p.m. Mayor Earwood announced a brief recess.

At 8:51 p.m. Mayor Earwood reconvened meeting.

At 8:51 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.

At 9:07 p.m. Mayor Earwood reconvened into regular session.

11. CITY ATTORNEY IN REFERENCE TO LITIGATION REGARDING CITY OF RIVER OAKS VS. ARCADIO VEGA

CA Elam gave a summary of the progress on the assessment of civil penalties. The City Council had issued an administrative order that assesses a penalty of \$10 for every day that the property remains in substandard condition. The property owner did not pay the penalties. A judgment was issued in the favor of the City for the full amount of the penalties and attorney's fees.

No action was taken.

WORK SESSION:

17. COMMUNITY CENTER AND SPECIAL EVENTS POLICIES AND PROCEDURES

Shirley Wheat, Shirley Bloomfield and John Claridge were present on behalf of the Community Center and Special Events.

Shirley Wheat, Special Events Coordinator, requested clarification between Community Center Events and Special Events.

Council Member Holland requested that the Community Center and Special Event Staff include the City Council in the planning stages of events prior to advertisement to the public.

Shirley Wheat mentioned future special event ideas that included a mystery dinner.

Mayor Earwood suggested that a proposed calendar be constructed and submitted to the Council with enough advance notice that any changes or suggestions could be implemented.

The suggestion was made to amend the sign ordinance to allow special event signage when hosted by the City for the purpose of providing information to the public.

Council Member Holland mentioned that although the Community Center may not have a self-supporting budget, the costs associated with events can be tracked.

Mayor Earwood requested that Shirley Wheat, Shirley Bloomfield and John Claridge identify locations throughout the City for the placement of special event signage and present the information to the Council.

FC Crews mentioned Nixile, a community information avenue, that may be helpful with informational news including weather, water issues, and community events.

Mayor Pro Tem Crews noted that extended Community Center hours may be necessary in order to promote growth.

18. **CONSIDER ACTION FROM THE WORK SESSION ON COMMUNITY CENTER AND SPECIAL EVENTS POLICIES AND PROCEDURES**

No action was taken.

STAFF REPORTS:

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

- 4833 OHIO GARDEN RD. - Inspector Sanders reported that no permits have been initiated. CS Gregory stated that the owner expressed an intention to obtain new permits.
- 1129 ST. EDWARDS – Inspector Sanders reported no change.
- 1122 ST. EDWARDS – Inspector Sanders reported that the main structure has been demolished and the owner has an active permit to remove the accessory building and make the lot a mowable lot by September 25, 2009

20. **SUBSTANDARD PROPERTIES UNDER VOLUNTARY COMPLIANCE AT:**

- 1309 GREENBRIER – Inspector Sanders reported the property is in compliance and the owner occupies the property.

21. **REPORT ON PROPERTIES UNDER SUBSTANDARD CONSIDERATION AT:**

- 1728 HILLSIDE DR. – Inspector Sanders reported that this property should be on the next agenda for substandard consideration by the Council.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

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

No discussion or action.

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

Mayor Earwood requested that once the new dispatch system was in place for a sufficient time that a report is given to the Council.

No action was taken.

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

No discussion or action.

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

No discussion or action.

26. 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.

27. 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 discussion or action.

28. PARK BOARD MONTHLY ACTIVITY REPORTS INCLUDING BALLFIELD RENTALS AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

Council Member Holland questioned the ballpark rentals. CS Gregory stated that \$1,055 had been collected for ballpark rentals to date. CS Gregory stated that the field lights are now on a timer based on a schedule that is given to the public works superintendent.

No action was taken.

29. COMMUNITY CENTER ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

No discussion or action.

30. **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.

31. **EDC MONTHLY ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS

No discussion or action.

32. **STORM WATER TASK FORCE MONTHLY ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

No discussion or action.

FC Crews gave an update on the upcoming City website that should go live on Tuesday September 29, 2009.

Hub Makarwich inquired about the electronic messaging center to be placed in front of City Hall. FC Crews stated that once TXDOT approves the permit, the contractor is prepared to begin the installation process.

PUBLIC FORUM:

33. 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**

Mayor Earwood suggested that the Community Forum be changed to a Town Hall Meeting.

Mayor Earwood gave a report on a meeting that he had with Two Rock representative, Kyle Smith, regarding mineral leases on the Community Center property that resulted in an update to be presented at the next Regular City Council Meeting.

Mayor Earwood suggested that the name of the Mayor's Luncheon be changed to Community Luncheon.

Council Member Holland encouraged community attendance and involvement at the 8th annual National MPS Run to be held on October 10, 2009 at a new location near the Fort Worth Cats Stadium.

Mayor Pro Tem Crews asked Council Members to state reservation intentions to attend the Regional Coordination Committee (RCC) Update, given by Base Commander T.D. Smyers on September 30, 2009.

EXECUTIVE SESSION:

34. 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 8:51 p.m. (prior to agenda item # 18) Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074, and Section 551.076.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

At 9:07 p.m. Mayor Earwood reconvened into regular session.

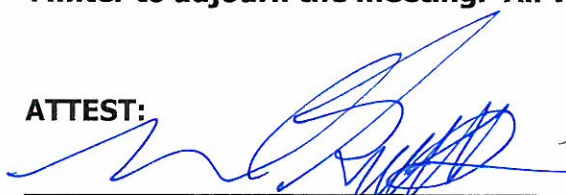
No action was taken.

ADJOURN:

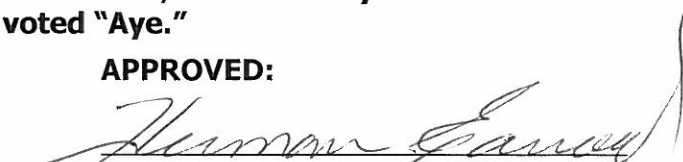
36. ADJOURN

At 10:27 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Minter to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor