

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 12, 2010**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

MAYOR HERMAN EARWOOD

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF DAN CHISHOLM  
BUILDING INSPECTOR STEVEN SANDERS  
FIRE CHIEF BILL CREWS  
OFFICE MANAGER PAULA BAGWELL  
SECRETARY SUSAN STEWART  
ATTORNEY MATTHEW WALLIS

**1. CALL TO ORDER**

With a quorum present, Mayor Pro Tem Gordon called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, October 12, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION**

Council Member Holland delivered the Invocation.

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

Council Member Crews led the pledges of allegiance to the United States and the Texas Flags.

**4. READING OF PROCLAMATION(S) BY MAYOR:**

None.

**5. 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 REGULAR CITY COUNCIL MEETING SEPTEMBER 28, 2010
- B. MINUTES OF THE SPECIAL CITY COUNCIL MEETING OCTOBER 1, 2010
- C. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2010 (2010-2010 BUDGET)
- D. BILLS PAYABLE FOR OCTOBER 1, 2010 THRU OCTOBER 12, 2010 (2010-2011 FISCAL YEAR BUDGET)
- E. APPROVAL OF THE HIRING OF GREGORY HENDRICKSON AS THE STREET SWEEPER OPERATOR IN THE PUBLIC WORKS DEPARTMENT

F. APPROVAL OF THE EDC REPORT THROUGH SEPTEMBER 30, 2010

**Council Member Crews moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, D, F, G, and H as presented. All voted "Aye."**

**6. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 Gordon announced that agenda item E was removed from the consent agenda.

**No action was taken on consent agenda item E.**

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

7. CONSIDER APPROVAL OF REQUEST BY JAMES TODD TO ALLOW ADDITIONAL TIME TO MAINTAIN ABANDONED SIGN AT THE RIVER OAKS VET CLINIC AT 901 ROBERTS CUT OFF RD.

James Todd was present to request 60-days to maintain an existing non-conforming sign on the property at 901 Roberts Cut Off. Mr. Todd explained that the sign has existed in its present condition for at least ten years, when his family purchased the property.

CS Gregory stated that City Staff had sent the owners a notice of an abandoned sign that requires for the sign to be removed within 7-days.

Council Members discussed the fact that if the owner applied to erect the sign under the current sign ordinance, it would not be permitted. CS Gregory noted that the height of the sign might be in violation. In addition, the sign ordinance grants a maximum of 128 square feet per surface with a maximum of two surfaces; this sign contains 192 square feet on each surface with three surfaces. CS Gregory stated once a sign has been deemed abandoned, it no longer qualifies as a non-conforming sign and must conform to the current sign ordinance. Attorney Wallis stated that the Council could grant a variance allowing the sign to remain non-conforming after proper notification and publication of a public hearing.

Council directed Staff not to take any enforcement action for the abandoned sign in order to allow the owner to apply for a sign variance that would be presented to the City Council at the next meeting of the City Council on November 9, 2010.

Council encouraged Mr. Todd to submit plans for the existing sign that conform as closely as possible to the current sign ordinance.

**No formal action was taken.**

**8. DISCUSSION AND/OR ACTION TO REPLACE ROOF OVER THE FIRE DEPARTMENT COMPLEX**

CS Gregory presented the request of the Mayor to allow the Mayor to proceed with the best value bid to replace the roof, once three bids are received.

Council Members directed Staff to contact roofing contractors that specialize in flat roofs and to obtain quotes to replace the upper and lower roofs and quotes for just the upper roof for that portion of the building and report to Council at the next meeting of the City Council on November 9, 2010.

**No formal action was taken.**

**9. CONSIDER APPROVAL TO GO OUT FOR BIDS FOR INSTALLATION OF SOLAR PANELS**

CS Gregory presented the recommendation of the CA Elam to competitively bid the Solar Panel project since the contractual price would be in excess of 69,733.57 prior to receipt of one of the grants.

**Council Member Holland moved, seconded by Council Member Crews, to authorize CS Gregory to competitively bid for the installation of solar panels as discussed. All voted "Aye."**

**10. DISCUSSION AND/OR ACTION ON ESTABLISHING A SPECIAL REVENUE AND EXPENDITURE ACCOUNT FOR PROCEEDS FROM CITY OIL AND GAS MINERAL LEASES**

CS Gregory presented an option to open another account for funds received from mineral leases. Currently, the City has received \$117,499 for mineral leases that is in the general fund.

Discussion resulted in a directive for City Staff to manually track revenues and expenditures related to mineral leases.

**No formal action was taken.**

**11. CONSIDER APPROVAL TO AMEND THE COUNCIL ORDERS ISSUED ON JULY 13, 2010 ON THE SUBSTANDARD PROPERTY AT 4833 OHIO GARDEN ROAD**

Inspector Sanders reported progress on the interior of the main structure with only some sheetrock, flooring, and setting of electrical and plumbing fixtures. Siding work remains undone on the exterior of both buildings on the property.

Mayor Pro Tem Gordon asked Mrs. Vega if the work could be completed within 90-days. David Vega replied that the exterior materials have been purchased with delivery pending and all work should be complete by the end of the year.

**Council Member Crews moved, seconded by Council Member Holland, to amend the Council orders allowing an additional 90-days for repairs on the property at 4833 Ohio Garden and to waive the permit renewal fee. All voted "Aye."**

12. CONSIDER APPROVAL OF RECOMMENDATION BY PARKS BOARD TO APPOINT A RECORDING SECRETARY

Attorney Wallis stated that according to the rules and procedures of the Park Board, the Board shall select board members as a vice-president and a secretary by simple majority vote and may request assistance from city staff for agenda posting.

CS Gregory reported that the Park Board has requested that city staff record the meeting minutes so that the current secretary can participate in discussion. CS Gregory offered a salary exempt employee so that no overtime would be incurred.

Council Members discussed the fact that the Park Board has functioned for 20 years with a board-selected secretary and that detailed minutes are not necessary.

Park Board Member Claridge commented that other city boards have a city staff member as a secretary.

It was noted that the Park Board is more active than in previous years and this particular board prefers detailed minutes. James Myrick suggested that an electronic recording device be used so that the secretary could participate in discussion and review the recording at a later date to produce the minutes.

Council Members directed CS Gregory to purchase a recording device and encourage the Park Board to continue with a board member as secretary.

**No formal action was taken.**

13. CONSIDER APPROVAL OF EMERGENCY SERVICES DISTRICT AGREEMENT FOR FIRE PROTECTION OUTSIDE OF THE CITY LIMITS

FC Crews stated that the final agreement has not been received but contains only minor changes over the previous year's agreement at a cost of \$7,500. FC Crews recommended that Council authorize the Mayor to sign the agreement.

**Council Member Crews moved, seconded by Council Member Butler, to allow the Mayor to enter into the Emergency Services District agreement, on behalf of the City, provided that the agreement contains no detrimental changes over the previous year's agreement. All voted "Aye."**

14. CONSIDER APPROVAL OF THE PLANNED MAINTENANCE AGREEMENT WITH CUMMINS SOUTHERN PLAINS FOR CITY GENERATORS.

CS Gregory recommended approval of the agreement for maintenance of the City's generators. The agreement includes an increase of approximately \$200 per unit, for 3 three units. Council Member Holland noted that the total expenditure is approximately \$4,300.

**Council Member Crews moved, seconded by Council Member Minter, to approve the planned maintenance agreement with Cummins Southern Plains for City generators as discussed. All voted "Aye."**

15. CONSIDER APPROVAL TO AUTHORIZE MAYOR TO PAY BILLS THRU OCTOBER 26, 2010 AND HAVE IT RATIFIED AT THE NOVEMBER 9, 2010 COUNCIL MEETING.

Mayor Pro Tem Gordon explained that this request is due to the cancellation of the regular meeting of the City Council on 4<sup>th</sup> Tuesday of October 2010.

**Council Member Butler moved, seconded by Council Member Crews, to approve the Mayor to pay the bills through October 26, 2010 and the bills to be ratified by the Council at the November 9, 2010 Council Meeting. All voted "Aye."**

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

16. CONSIDER APPROVAL OF ORDINANCE # 863-2010 AMENDING THE FY 2010-2010 BUDGET FOR COMMUNITY CENTER DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.

CS Gregory explained that the Council had recently approved expenditure from the dollar donation fund for electrical work at the Community Center which requires a budget amendment.

**Council Member Holland moved, seconded by Council Member Crews, to approve Ordinance No. 863-2010 as presented. All voted "Aye."**

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

- 4833 OHIO GARDEN RD. – This property was discussed during agenda item no. 11.
- 1129 ST. EDWARDS – Inspector Sanders reported no change.
- 1728 HILLSIDE – Inspector Sanders reported that the foundation has been repaired and inspected but no additional permits have been obtained. CS Gregory clarified that work could continue until November 9, 2010 when this property would be brought back to the Council for non-compliance.

**18. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 5501 BLACK OAK LANE – Inspector Sanders reported slow but continual progress under a permit that expires on November 20, 2010.
- 1229 CHURCHILL – Inspector Sanders reported that this HUD property is under contract and the new owner would be required to bring the property into compliance.
- 4847 RIVER OAKS BLVD. – Inspector Sanders reported that an electrical permit has been obtained and a final electrical inspection was performed. A plumbing permit has been obtained but has not been inspected. Inspector Sanders stated that the property owner is aware that all substandard conditions must be abated prior to occupancy.
- 5311 CORNELL – Inspector Sanders reported that this is a HUD property and once purchased, a new owner would be required to bring the property into compliance.
- 5512 TAYLOR RD. – Inspector Sanders reported that the substandard accessory building on this property would be presented to the Council on November 9, 2010 for non-compliance.
- 1621 LONG AVE. – Inspector Sanders reported this property has been declared substandard and is in under a 30-day order of the Building Official to abate all substandard violations. This property will be presented to the City Council on November 9, 2010 if compliance is not met.

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

19. **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.**

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

**No discussion or action.**

21. **INSPECTIONS AND 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 INCLUDING 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 PUBLIC WORKS EQUIPMENT REPAIRS

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

27. **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.**

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

EDCC Crews reported that all parties have signed the BIG contract for 5171 River Oaks Blvd.

EDCC Crews reported continual progress at 5500 Meandering Rd. EDCC Crews stated that he would remind the owner that the project must be complete within the 120- days allowed.

EDCC Crews reported that the property at 5001 River Oaks Blvd reportedly has a new owner.

**29. 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.**

**PUBLIC FORUM:**

30. 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**

**James Ashley** asked why consent agenda item E was removed. Council Member Crews responded that the street sweeper applicant who was selected did not meet the requirements of the job.

**Council Member Holland** noted that three Fire Department reports were included in the Council packets. FC Crews responded that the previous months reports were delayed.

**Council Member Crews** asked CS Gregory to summarize the sewer back-up issues at the James' house at 1646 Shenna. CS Gregory stated that the first occurrence was due to heavy rains. The seconded event occurred due to a collapsed line belonging to the City of Fort Worth. CS Gregory stated that it is reasonable to assume that both backups were due to the collapsed Fort Worth Sewer Main. CS Gregory reported that he is communicating with Fort Worth Risk Management and TML to resolve all damage claims.

**EXECUTIVE SESSION:**

31. 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:**

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

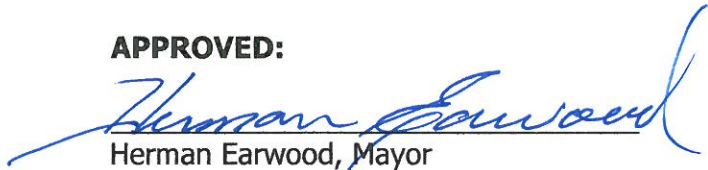
**None.**

**ADJOURN:**

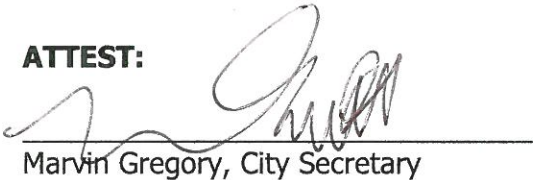
33. ADJOURN

**At 8:41 p.m. Council Member Crews moved, seconded by Council Member Butler, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary