

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 9, 2010**

MEMBERS PRESENT:

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

STAFF PRESENT:

OFFICE MANAGER PAULA BAGWELL
POLICE CHIEF DAN CHISHOLM
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY
LIEUTENANT AVIN CARTER
SECRETARY SUSAN STEWART
ATTORNEY MATTHEW WALLIS (FOR CITY ATTORNEY 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, November 9, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Crews delivered the Invocation.

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

Mayor Pro Tem Gordon led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- MUNICIPAL COURT WEEK NOVEMBER 1ST THROUGH 5TH

Mayor Earwood read a proclamation declaring November 1 through November 5, 2010 as municipal court week.

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.

[At 7:05 p.m. Mayor Earwood convened into executive session under Section 551.074-Personell.]

[At 7:37 p.m. Mayor Earwood reconvened into regular session.]

- A. MINUTES OF REGULAR CITY COUNCIL MEETING OCTOBER 12, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2010 (2010-2010 FY BUDGET)

- C. BILLS PAYABLE FOR PERIOD ENDING OCTOBER 26, 2010
- D. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 9, 2010
- E. APPROVAL OF RESIGNATION OF PUBLIC WORKS EMPLOYEE, ERIC MAIN
- F. APPROVAL OF HIRING OF JOE C. LOPEZ AS STREET SWEEPER OPERATOR
- G. APPROVAL OF MAYOR'S RECOMMENDATION TO TERMINATE JACK JOHNSTON

Council Member Holland requested to remove consent agenda item C "Bills payable ending October 26, 2010" from the consent agenda for discussion.

Council Member Butler moved, seconded by Council Member Crews, to approve consent agenda items A, B, D, E, F, and G 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Council Member Holland opposed full payment in advance to Tarrant County Fire Alarm, requesting that future contracts be negotiated differently.

Council Member Holland moved, seconded by Council Member Butler, to approve consent agenda item C "Bills payable ending October 26, 2010" as presented. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY THOMAS D. POYNOR AT 5512 TAYLOR RD. TO WAIVE SUBSTANDARD/PERMIT FEES ON SUBSTANDARD ACCESSORY BUILDING IN BACK YARD

Thomas Poyner, owner of 5512 Taylor, was present to request the permit fee and the substandard fee be waived due to his lack of employment. Mr. Poyner stated that a tree fell on his garage and damaged the roof of the garage. Mr. Poyner stated that he was unaware that a permit was required to repair the roof of the garage.

Inspector Sanders reported that the repair to the garage has been satisfactorily completed.

Council Member Crews moved, seconded by Council Member Butler, to waive both the permit fee and the substandard fee as requested. Council Members

Butler, Crews, Minter and Mayor Pro Tem Gordon all voted "Aye." Council Member Holland voted "Nay." Motion passes.

8. CONSIDER APPROVAL TO REPLACE ROOF OVER THE FIRE DEPARTMENT COMPLEX WHERE SOLAR PANELS ARE TO BE INSTALLED.

Public Works Superintendent (PWS) Hatley presented four bids to replace only the roof over the fire department and to replace the roof over the fire and police departments.

Mayor Earwood stated that J & J is the contractor used by Castleberry ISD and has experience and references for "built up" roofs. J & J Roofing quoted \$27,500 for only the fire department roof and \$85,500 for the entire roof. Hampton Roofing quoted \$24,990 for only the fire department roof and did not return a quote for the entire roof. Fountain Roofing quoted \$16,400 for only the fire department roof and \$32,800 for the entire roof. PWS Hatley explained that the quotes from J & J were more detailed and included more work than the other contractors.

Council Members agreed to replace only the roof over the fire department, which is necessary prior to installation of the solar panels.

Mayor Earwood stated that any changes to the contract would require a council approved change order.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve J & J Roofing as the contractor to replace only the roof over the fire department in the amount of \$27,500 in accordance with the specifications provided prior to the quote. All voted "Aye."

9. CONSIDER APPROVAL OF AGREEMENT FOR MEMBERSHIP YEAR 2011 WITH THE ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

Mayor Earwood stated that this is a beneficial annual membership that the City has participated in for several years.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the agreement for membership year 2011 with the Electric Reliability Council of Texas as presented. All voted "Aye."

10. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH FOR USE OF FORT WORTH'S ENVIRONMENTAL COLLECTION CENTER FOR HOUSEHOLD HAZARDOUS WASTE

Office Manager Bagwell stated that the cost for hazardous waste collection is \$47.00 each time that the service is used. The total amount for hazardous disposal in 2010 was \$3,800.

Mayor Earwood announced that Staff would inquire about disposal of medicines. Mayor Pro Tem Gordon stated that Walgreen has a disposal program for \$2.99 per usage.

Council Member Holland moved, seconded by Council Member Crews, to approve the interlocal agreement for environmental collection of household hazardous waste as presented. All voted "Aye."

11. CONSIDER APPROVAL TO INVEST THE ENTITY ALLOCATION SAVINGS FROM TARRANT APPRAISAL DISTRICT IN ORDER TO UPGRADE THEIR APPRAISAL SOFTWARE TECHNOLOGY

Mayor Earwood stated that Tarrant Appraisal District (TAD) has calculated a refund due to the City of \$307.33, which can be refunded to the City or can be invested into a new software program for TAD.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to invest the allocation savings from Tarrant Appraisal District in the amount of \$307.33 in order to upgrade their appraisal software technology as presented. All voted "Aye."

12. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATION FUND TO COVER \$148.57 IN ADDITIONAL EXPENSES INCURRED FROM THE SKATE PARK DEDICATION ORIGINALLY APPROVED FOR \$1,000

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to expend funds from the Park Dollar Donation Fund to cover \$148.57 in additional expenses incurred from the skate park dedication. All voted "Aye."

13. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR FUND TO COVER \$ 58.69 IN ADDITIONAL EXPENSES INCURRED FROM THE OUTSIDE ELECTRICAL WORK AT THE COMMUNITY CENTER ORIGINALLY APPROVED FOR \$2,000

No discussion occurred.

Council Member Butler moved, seconded by Council Member Holland to expend funds from the Community Center Dollar Donation Fund to cover an additional \$58.69 for electrical work.

Council Member Crews expressed concern that additional expenses have been incurred upon project completion even though quotes were obtained. Mayor Earwood stated that in this case, the contractor performed that work as quoted but Staff purchased materials to provide some additional service not originally quoted by the contractor.

All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

14. PUBLIC HEARING: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1621 LONG AVE.

At 8:03 p.m. Mayor Earwood opened the public hearing.

Carol and Azmi Elmasri, owners of the property at 1621 Long, were present to request additional to abate the substandard conditions.

Inspector Sanders showed photos and sited substandard violations that included electrical, plumbing and structural deficiencies making the structure not fit for human occupancy. Inspector Sanders reported significant progress under the permits issued by the Building Official that expire on the date of this public hearing. Staff requested an order from the Council in order to enforce abatement.

Inspector Sanders recommended 90-days to complete the substandard abatement.

At 8:12 p.m. Mayor Earwood closed the public hearing

15. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1621 LONG AVE. THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, 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

Council Member Crews made the following motion "I move that the City Council find that the building(s) located at 1621 Long Avenue, based on evidence presented at the hearing, is Substandard and: 1) That the conditions set forth in the Building Official's report exist to the extent that the life, health, property or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) That the building(s) is/are feasible of repair and therefore ORDER the buildings to be repaired by the OWNER within 90-days and the LIENHOLDER OR MORTGAGEE to within an additional 30-days if the owner does not comply; and 3) the Board ORDERS commencement of the repairs within 30-days and has established specific time schedules with the OWNER or MORTGAGEE for the repair; and 4) ORDER that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 90-days or by the Lienholder of Mortgagee to within an additional 30-days if the Owner does not comply and further find that if the building is not repaired within 90-days, that there is no probability that the building will be repaired within a reasonable period of time if additional time is given. If the building is not repaired within 90-days in full compliance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished and 5) that the existing permits be extended 90-days without additional fees. Motion seconded by Mayor Pro Tem Gordon. All voted "Aye."

16. PUBLIC HEARING: CONSIDER APPROVAL TO AMEND THE COUNCIL ORDERS ISSUED ON JULY 13, 2010 ON THE SUBSTANDARD PROPERTY AT 1728 HILLSIDE DR.

At 8:17 p.m. Mayor Earwood opened the public hearing.

Inspector Sanders showed photos and reported that substandard violations remain that include plumbing and mechanical deficiencies.

Lucia Camacho, representative for KCS Properties, was present to request an additional week to complete the abatement of the substandard conditions.

At 8:25 p.m. Mayor Earwood closed the public hearing.

17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1728 HILLSIDE DR. THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, 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

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to amend the substandard order of July 13, 2010 to allow for an additional 30-days for the structure(s) to be repaired. All voted "Aye."

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

18. CONSIDER APPROVAL OF RESOLUTION NO. 685-2010 URGING AND IMPLOING THE SECRETARY OF THE HOUSING URBAN DEVELOPMENT (HUD) TO ABATE SUBSTANDARD HOUSING AT 5311 CORNELL AVENUE

No discussion occurred.

Council Member Holland moved, seconded by Council Member Crews to approve Resolution No. 685-2010 as presented. All voted "Aye."

19. CONSIDER APPROVAL OF ORDINANCE # 864-2010 AMENDING THE 2010-2011 FISCAL YEAR OPERATING BUDGET AND PROVIDING AN EFFECTIVE DATE

Mayor Earwood explained that this amendment is to provide for the \$28,000 for the roof over the Fire Department.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 864-2010 as presented. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE # 865-2010** AMENDING THE 2010-2011 FISCAL YEAR OPERATING BUDGET FOR EXPENDITURE OF DOLLAR FUNDS IN THE PARK AND COMMUNITY CENTER

No discussion occurred.

Council Member Holland moved, seconded by Council Member Crews, to approve Ordinance No. 865-2010 as presented. All voted "Aye."

PUBLIC FORUM:

21. 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**

PC Chisholm extended thanks to Attorney Wallis and his firm for dinner at the recent TML Conference.

PC Chisholm summarized some "eye-opening" information received at TML regarding the new health care legislation that included the possibility of sending surgical candidates to other countries for operations.

PC Chisholm thanked the Fire Department and School Personnel and Administrators for assistance during a confrontational incident that occurred at the Castleberry Varsity Football Game.

Council Member Holland gave an invitation to attend and/or participate in the 9th Annual MPS Run on November 20, 2010 at the Cat's Ballpark. Mayor Earwood commended Council Member Holland and his family for their efforts.

Council Member Crews asked if all of the police department employees that attended the "River Oaks Rumble" were paid employees. PC Chisholm replied that the Police Department usually supplies one paid officer for city sponsored events at the Community Center and only Sergeant Rios was a paid employee, the rest of the officers are reserve officers.

Council Member Crews requested detailed information for Community Center activities at the next regular meeting, specifically the haunted house.

Mayor Pro Tem Gordon suggested that a workshop be held in order to establish a written mission statement and goals for the City and for the City Boards and Commissions.

Mayor Earwood noted that Quik Trip is negotiating with the owners of the Caravan Motel to obtain the property.

EXECUTIVE SESSION:

22. 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 7:05 p.m. Mayor Earwood convened into executive session under Section 551.074- Personell.]

[At 7:37 p.m. Mayor Earwood reconvened into regular session.]

RECONVENE:

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

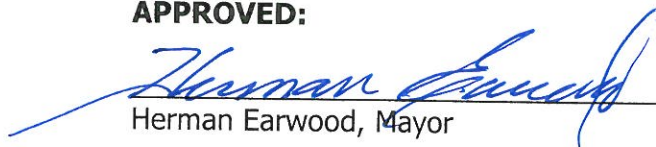
No action was taken.

ADJOURN:

24. ADJOURN

At 8:50 p.m. Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Bagwell, Office Manager