

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 10, 2009**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD (PRESENT AT 7:22 P.M.)
MAYOR PRO TEM JOE CREWS
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER R.R. "BOB" MINTER
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF BILL CREWS
SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Crews called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, November 10, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Pro Tem Crews, as the presiding officer, announced that Mayor Earwood had another commitment and may arrive late.

2. INVOCATION

Council Member Holland delivered the Invocation.

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

FC 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 CITY COUNCIL MEETING OCTOBER 27, 2009
- B. MINUTES OF TOWN HALL MEETING NOVEMBER 5, 2009
- C. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 10, 2009
- D. APPROVAL OF THE HIRING OF PUBLIC WORKS EMPLOYEES
- E. APPROVAL OF RESIGNATIONS OF POLICE OFFICERS

F. APPROVAL OF THE PROMOTION OF DANNY RENOIS TO FD CAPTAIN

CS Gregory presented an amended version of the Minutes of Town Hall Meeting. Mayor Pro Tem Crews gave the opportunity for Council Members to review the revised minutes.

Council Member Holland moved, seconded by Council Member Butler to approve Consent Agenda Items A, C, D, E, and F as presented and Item B as revised. All voted "Aye."

6. **ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL TO WAIVE LIEN ON 618 HARRISDALE FOR DEMOLITION OF SUBSTANDARD STRUCTURE ON SEPTEMBER 25, 2008

CS Gregory stated that the City had obtained a contractor to demolish the substandard structure(s) at 618 Harrisdale as ordered by the City Council. The lien for the work performed was not filed immediately and was overlooked until recently. Gustavo Castaneda has since purchased the property.

CA Elam clarified that the City could attempt to recover the associated costs from the previous owner and waive the fees for the new owner.

Council Member Gordon requested a collection letter be sent to the previous owner and lienholder in an attempt to collect the debt.

Council Member Butler moved, seconded by Council Member Minter, to waive the lien for demolition of a substandard structure at 618 Harrisdale. All voted "Aye."

8. CONSIDER APPROVAL TO EXPEND FUNDS FROM FIRE DEPT. DOLLAR DONATIONS FOR REPLACEMENT RADIO PARTS

FC Crews requested funding from the Fire Department's Dollar Donation Fund to replace radio equipment that is worn from age.

Council Member Gordon moved, seconded by Council Member Holland, to approve to expend \$1,435 from the Fire Department Dollar Donations for replacement radio parts as presented. All voted "Aye."

9. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE PARK DOLLAR DONATIONS TO REPAIR SCOREBOARD LIGHTING

Park Board Chairman Makarwich presented the recommendation of the Park Board to replace the scoreboard processor, ballasts, and all lamps.

Council Member Holland moved, seconded by Council Member Butler, to expend \$571 from the Park Dollar Donations to repair the scoreboard lighting as presented. All voted "Aye."

10. DISCUSSION AND/OR ACTION ON PERMIT STATUS FOR CITY HALL SIGNAGE WITH TXDOT

FC Crews reported that TXDOT had received the permit application for the monument sign to be located at City Hall on October 5, 2009. The inspection process takes approximately 45 days from the date received.

No action was taken.

11. DISCUSSION AND/OR ACTION ON RCC SENIOR OFFICIALS WORKSHOP FOR ALL HAZARDS PREPAREDNESS TO BE HELD ON DECEMBER 9, 2009 (PRESENTED BY MAYOR PRO-TEM CREWS)

Mayor Pro Tem Crews noted that the All Hazards Preparedness Conference is primarily for emergency preparedness individuals due to the limited space available. Mayor Pro Tem Crews stated that FC Crews is sending a representative. Reservations are required by November 20, 2009 and can be turned in to Secretary Stewart.

No action was taken.

12. DISCUSSION AND/OR ACTION ON SCHEDULING A MEETING REGARDING THE DRAFT LAKE WORTH VISION PLAN (PRESENTED BY CITY SECRETARY)

Mayor Pro Tem Crews summarized the mission of the Lake Worth Vision Plan as a joint project between the City of Fort Worth and other surrounding cities to beautify and develop the areas surrounding the lake (Lake Worth).

CS Gregory offered to contact a representative to speak at the Community Luncheon or the Town Hall Forum since the City of River Oaks is affected by the potential project.

[At 7:22 p.m. Mayor Earwood arrived and assumed the position of presiding officer.]

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL:

13. CONSIDER APPROVAL OF **RESOLUTION # 665-09** FOR THE ELECTION OF MEMBERS OF THE BOARD OF THE TARRANT APPRAISAL DISTRICT

No action was taken.

14. CONSIDER APPROVAL OF **RESOLUTION # 666-09** AMENDING SECTION 6, SUBSECTION (G) "DISBURSEMENT" OF RESOLUTION # 647-09 AS ADOPTED FOLLOWING TWO READINGS ON MARCH 10TH AND MARCH 24TH, 2009 BY REQUIRING APPROVAL OF DISBURSEMENT OF FUNDS FROM THE BUSINESS IMPROVEMENT GRANT BY THE CITY COUNCIL INSTEAD OF THE CITY SECRETARY

Council Member Gordon recommended that Section 6(G)(2) be amended as follows: the submission of all Eligible Cost receipts **and/or cancelled checks** to the City Secretary.

Mayor Earwood suggested that all final documentation be submitted to EDC Coordinator Crews for verification and turned into CS Gregory for disbursement. Council Member Holland expressed the desire for the Council to be involved in the disbursement of funding for the BIG program since the program is a new venture for the City. Council Member Holland pointed out that Fort Worth Automotive was paid without completing the entire project as submitted. Mayor Earwood clarified that Staff would be required to bring any disbursement back to the Council if discrepancies were discovered. Mayor Pro Tem Crews suggested that the Council receive a final report on the completion of each project.

Council Member Holland moved to approve Resolution #666-09 with the requested change as noted by Council Member Gordon.

Motion failed due to the lack of a second. No further action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. **PUBLIC HEARING:** TO RECEIVE ANY PUBLIC INPUT ON THE REQUEST OF JUAN RIVAS REGARDING THE BUSINESS IMPROVEMENT GRANT APPLICATION FOR **RIVAS MEXICAN RESTAURANT AT 5442 RIVER OAKS BLVD.** AS RECOMMENDED BY THE RIVER OAKS ECONOMIC DEVELOPMENT CORPORATION

At 7:42 p.m. Mayor Earwood opened the public hearing.

EDC Coordinator Crews presented the proposal that was recently approved by the EDC to the City Council for approval regarding the application of Juan Rivas for Rivas Mexican Restaurant at 5442 River Oaks Blvd for the BIG (Business Improvement Grant). The exterior improvements would include a stucco exterior, painting, and a portico type frontage at a total cost of approximately \$24,500, allowing for the maximum City contribution of \$10,000.

Council Member Holland noted that the application contained incomplete information such as financing information. EDC Coordinator Crews stated that the owner would not be obtaining institutional financing for the project.

Citizen Don Istook pointed out that with the improvements, the parking dilemma may increase as business increases.

At 7:49 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE APPLICATION OF JUAN RIVAS FOR **RIVAS MEXICAN RESTAURANT AT 5442 RIVER OAKS BLVD.** REGARDING FUNDING FROM THE BUSINESS IMPROVEMENT GRANT PROGRAM

Council Member Gordon moved, seconded by Council Member Butler, to approve the Business Improvement Grant application request of Juan Rivas for Rivas Mexican Restaurant at 5442 River Oaks Blvd for the proposed improvements totaling \$24,500 with the EDC contribution award amount of \$10,000. All voted "Aye."

Council Member Gordon requested a completion report be presented to Council. Mayor Earwood suggested that pictures be included in that final report.

STAFF REPORTS:

17. STORM WATER PERMIT ANNUAL REPORTING (PRESENTED BY CITY SECRETARY)

CS Gregory reported that the annual storm water permit report has been submitted to the State of Texas as required.

No action was taken.

18. UPDATE ON SUBSTANDARD PROPERTY AT 1129 ST. EDWARDS ST. (BY CITY ATTORNEY ELAM)

At 7:53 p.m. Mayor Earwood convened into Executive Session pursuant to Section 551.071 and Section 551.072.

At 8:08 p.m. Mayor Earwood reconvened into Regular Session.

CA Elam gave a brief update regarding the property at 1129 St Edwards. The bank is in the process of foreclosing on the property and does not own the property at this time. The bank has indicated that as the lienholder, they may not proceed with the foreclosure, thereby leaving the property without an owner to hold accountable for repairs or maintenance.

No action was taken.

PUBLIC FORUM:

19. 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**

FC Crews announced that victory has put the Castleberry Lions Varsity Football Team in the Play-offs for the first time since 1995. Spectators are encouraged to "see the team off" at 4:30 p.m. on Friday November 13, 2009 as they depart to play Alvarado at Brewer Stadium. A tailgate party is scheduled for 6:15 p.m. and the game begins at 7:30 p.m. Mayor Pro Tem Crews reminded that parking is \$5 per car.

Citizen Terry Tuesday Cooley, 602 Frontier, was present with photos of the property at 604 Frontier. Mrs. Cooley stated that she has not seen results from the numerous requests that she has made for Code Enforcement to investigate the property at 604 Frontier. Mrs. Cooley cited grass that exceeds 10 inches in height, mice, a neglected dog, window screens on the ground, and a front window consisting of Plexiglas.

PC Chisholm announced that White Settlement Police Department would be washing the River Oaks Police Department's Fleet this Saturday from 1:00 p.m. to 4:00 p.m. at the Walmart in Westworth Village. In addition, the public can donate a toy for the Toy Patrol or make a cash donation to receive a car wash.

PC Chisholm announced a Chili Cook-off on Saturday November 21, 2009 from 2:00 p.m. to 6:00 p.m. at the Police Memorial on 7th Street.

PC Chisholm announced that the Police Departments were victorious over the Fire Departments at the annual Guns and Hoses Boxing Tournament.

Citizen Sherrie Dast noted that Bill Shannon invited the community to a Veteran's Day Parade on Camp Bowie in front of the Methodist Church at 11:00 a.m. tomorrow (November 11, 2009).

Mayor Earwood announced the annual Christmas Parade is approaching.

Mayor Earwood commented that the appearance of the property at 5060 River Oaks Blvd has improved since the canopies and pumps have been removed.

Mayor Pro Tem Crews announced that Tom Schieffer, former River Oaks citizen, would be the guest speaker at the historical society meeting on November 17, 2009 at 7:00 p.m. at the River Oaks Community Center.

Mayor Pro Tem Crews requested that Staff present a full report on the property at 604 Frontier at the next regular meeting of the City Council.

EXECUTIVE SESSION:

20. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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

Executive Session was convened during Agenda Item 18.

RECONVENE:

Regular Session was reconvened during Agenda Item 18.

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

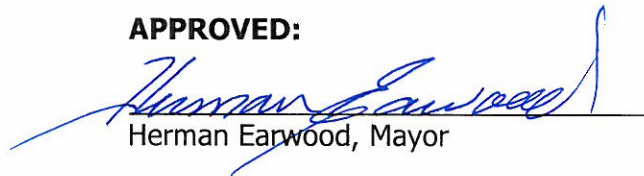
No action was taken.

ADJOURN:

22. ADJOURN

At 8:26 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Minter, to adjourn the meeting. All voted "Aye."

APPROVED:



Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary