

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
AUGUST 28, 2012**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE CREWS  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER JOANN GORDON  
COUNCIL MEMBER JOE ASHTON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
RECORDING SECRETARY CELINA MORENO  
CITY ATTORNEY BETSY ELAM  
ASSISTANT FIRE CHIEF CHRIS HAWKINS  
EMERGENCY MGMT COORD JAMES MYRICK

**MEMBERS ABSENT:**

COUNCIL MEMBER STEVE HOLLAND (OUT OF TOWN)

**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, August 28, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION**

PWD James Hatley delivered the Invocation.

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

PWD James Hatley 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 COUNCIL MEETING AUGUST 14, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING AUGUST 28, 2012
- C. APPROVAL OF TERMINATION AND HIRING OF A BUILDING MAINTENANCE WORKER AS RECOMMENDED BY THE MAYOR
- D. APPROVAL OF RESIGNATION OF RON SHORT AS FIRE CHIEF
- E. APPROVAL OF RESIGNATION OF GRACIELA ESTRADA AS CROSSING GUARD

**CM Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, C, D and E with one minor change already addressed. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

**None.**

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

7. CONSIDER APPROVAL TO AMEND THE SITE PLAN AS PREVIOUSLY SUBMITTED AND APPROVED FOR **GIGGLES THERAPY LLC** ON MAY 8, 2012 IN ORDER TO CONSTRUCT ON THE PROPERTY AT 905 ROBERTS CUT OFF RD. A NEW 4,800 SQUARE FOOT COMMERCIAL BUILDING THAT MET ALL DEVELOPMENT REQUIREMENTS FOR STRUCTURES CONSTRUCTED IN A "C-1" COMMERCIAL ZONING DISTRICT.

Architect Doug Teague explained that they discovered a problem with the original approved site plan because they took the site map from google and it was not correct. It is now corrected and it required the main building to be moved approximately 30-feet to accommodate the road that goes to the back of the building. CS Gregory stated that so far everything meets the ordinance.

**CM Gordon moved, seconded by CM Ashton, to approve the amendment of site plan. All voted "Aye"**

8. CONSIDER APPROVAL TO AWARD THE CONTRACT FOR THE INSTALLATION OF TWO-PLY MODIFIED BITUMEN MEMBRANE ROOFING ON THE CITY COMPLEX (PROJECT # RO 2012-001) PROPOSED TO BE EXPENDED FROM THE CITY'S MINERAL REVENUES.

CS Gregory stated that J & J Roofing bid the lowest on the City Complex roof replacement: 208,500 for the whole building and 66,600 for the police department. Mayor Earwood asked if we had any reference on the company. CS Gregory stated that J & J Roofing has worked with the city before and we've had no problem with them except for a minor detail and they responded quickly. He also stated that he has the specifications if anyone is interested in seeing them.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve to award the contract for the installation of two-ply modified bitumen membrane roofing on the City Police Department in the amount of \$66,600. All voted "Aye"**

9. CONSIDER APPROVAL OF WRITTEN DEVELOPMENT AGREEMENT AS RECOMMENDED BY THE E.D.C. FOR ENHANCEMENT OF THE ECONOMIC DEVELOPMENT AND STABILITY OF THE CITY TO INVEST FINANCIAL INCENTIVES FOR QUIK TRIP TO LOCATE WITHIN THE CORPORATE LIMITS OF THE CITY.

Mayor Earwood stated Jake Barron could not be present but spoke about a problem that is preventing to move forward with the QT construction. Apparently TXDOT in Austin has stopped the sale of the property; they feel properties state wide were not sold at a fair price. He stated we will do whatever it takes to move forward.

City Attorney Betsy stated that we have a good agreement with QT and she also reminded the council that we would need to pay the \$50,000 immediately.

**CM Gordon moved, seconded by CM Butler, to approve the written development agreement as recommended by the E.D.C. for the enhancement of the economic development and stability of the city. All voted "Aye"**

10. DISCUSSION AND/OR ACTION UNDER THE WNV MOSQUITO SURVEILLANCE REPORT PURSUANT TO RESOLUTION 552 AS PRESENTED BY PWD HATLEY AND EMC JAMES MYRICK.

EMC Myrick explained the West Nile Virus situation report from Dr. Patterson, Tarrant County Emergency Management coordinator. He also emphasized that on Monday, August 27<sup>th</sup> at 11am a conference call was conducted with all the Tarrant County cities and schools. Kelly Hooper was concerned about the severity of the virus and James Myrick explained about the different stages of the virus and confirmed 4 deaths. PWD Hatley stated the city is educating and surveying the community.

**No action taken.**

11. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE CITY'S MINERAL REVENUES IN ORDER TO PURCHASE A GRAPPLE ATTACHMENT FOR BRUSH COLLECTION.

PWD Hatley stated that with the recent storm we've had a lot of brush and the plan is to obtain a \$3,192.13 grapple attachment to be installed on the backhoe along with a \$3,580.00 attachment for the skid loader, both can be purchased for \$6,772.13. This will reduce man hours and help our crew get the brush up quicker than what we currently do which is to load it by hand.

**CM Butler moved, seconded by CM Gordon, to approve to expend funds from the city's mineral revenues in order to purchase both a grapple for the backhoe and an attachment for the skid loader. All voted "Aye"**

12. CONSIDER APPROVAL OF REVISED CITY ORGANIZATIONAL PLAN AS SUBMITTED BY CS GREGORY

CS Gregory stated that back in 2008 the City Council adopted a progressive pay scale that doesn't meet our current organization and pay plan. We need to get a job

description from every position and at that point match them. CM Crews stated the importance of each employee knowing their exact job description. CS Gregory explained that he will be collecting a job description for every position on the organization plan and it will serve as a guide for evaluations.

**CM Gordon moved, seconded by CM Butler, to approve the revised City Organizational Plan as submitted by CS Gregory. All voted "Aye"**

**ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

13. CONSIDER APPROVAL OF **ORDINANCE NO. 941-2012** EXPANDING THE 2011-2012 E.D.C. FISCAL YEAR BUDGET AN ADDITIONAL \$50,000 FOR ENHANCEMENT OF THE ECONOMIC DEVELOPMENT AND STABILITY OF THE CITY BY ENTERING INTO A DEVELOPMENT AGREEMENT WITH ACHIEVABLE BENCHMARKS TO INVEST FINANCIAL INCENTIVES FOR QUIK TRIP TO LOCATE WITHIN THE CORPORATE LIMITS OF THE CITY PURSUANT TO SECTION 505.102 OF THE LOCAL GOVERNMENT CODE "CONTRACT WITH OTHER PRIVATE CORPORATION".

**No discussion occurred.**

**CM Gordon moved, seconded by CM Butler, to approve Ordinance # 941-2012. All voted "Aye"**

14. CONSIDER APPROVAL OF **ORDINANCE NO. 942-2012** AMENDING SEC. 12.04.001 MAXIMUM LIMITS NEAR SCHOOLS, CHURCHES, PARKS AND HOSPITALS OF THE RIVER OAKS CODE OF ORDINANCES REVISING THE SCHOOL ZONE TIMES ON CHURCHILL ROAD FOR CASTLEBERRY HIGH SCHOOL AND IRMA MARSH MIDDLE SCHOOL.

**No discussion occurred.**

**CM Gordon moved, seconded by CM Ashton, to approve Ordinance # 942-2012. All voted "Aye"**

15. CONSIDER APPROVAL OF **ORDINANCE NO. 943-2012** AMENDING **SEC. 12.05.012 SPECIAL STOP INTERSECTION** OF THE RIVER OAKS CODE OF ORDINANCES ESTABLISHING A SPECIAL STOP INTERSECTION AT THE INTERSECTION OF AUBURN STREET WITH ROBERTS CUT OFF RD.

PC Carter stated that we need a stop sign on Auburn since it's the only street off of Roberts cut off that doesn't. Mayor Pro Tem Crews stated that White Oak has a yield sign and with all the redirected traffic people are using it more and it may need to be changed to a stop sign. PC Carter stated he would include that on his list and also stated that Frontier Road also needs to be changed from a yield sign to a stop sign.

**CM Butler moved, seconded by Mayor Pro Tem Crews, to approve Ordinance # 943-2012. All voted "Aye"**

16. CONSIDER APPROVAL OF **ORDINANCE NO. 944-2012** AMENDING THE 2011-2012 FY GENERAL FUND BUDGET FOR EQUIPMENT UPGRADES IN THE POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

CS Gregory stated that this expense was budgeted but with all the other upgrades this year not budgeted it resulted in a shortage of \$7,945.00. Since next year, we didn't budget any capital out of this department, we wouldn't have been able to wait until next fiscal year for these expenditures and for that reason it would be cleaner if the Council would approve to amend the budget to cover the overage by adopting Ordinance 944.

**CM Gordon moved, seconded by Mayor Pro Tem Crews, to approve Ordinance # 944-2012. All voted "Aye"**

17. CONSIDER APPROVAL OF RESOLUTION **# 739-2012** AMENDING RESOLUTION 738-2012 BY INCORPORATING EXHIBIT A THAT PROVIDES A RECORD OF ALL APPLICABLE CITY BANKING ACCOUNTS AND AUTHORIZING REPRESENTATIVES ON THE CITY'S BANK ACCOUNTS.

CS Gregory stated that the bank has changed their policy and now requires that all bank accounts be included in the Resolution when authorizing signatures of city officials.

**CM Butler moved, seconded by CM Ashton, to approve Resolution # 739-2012 amending resolution #738-2012.**

18. CONSIDER APPROVAL OF **RESOLUTION NO. 740-2012** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE OCTOBER 1, 2012 THRU SEPTEMBER 30, 2013 OPERATING BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (FIRST READING)

**No discussion occurred.**

**CM Gordon moved, seconded by Mayor Pro Tem Crews, to approve Resolution # 740-2012. All voted "Aye"**

#### **STAFF REPORTS:**

19. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

- 1129 ST. EDWARDS – CS Gregory reported that we have several people come in that are interested in purchasing the property that is scheduled to go to auction in September. CS Gregory will bring the bid to Council on September 11<sup>th</sup> but Council does not have to accept the bid.
- 1205 CHURCHILL – We have updated pictures of the last inspection and will be further discussed.

- 1409 LAWRENCE – It is bank owned and nothing has been done to date to abate the substandard violations.
- 4525 ALMENA – We have updated pictures of the last inspection and will be further discussed.
- 1712 LAWTHOR – Plumbing and Electric complete, reissued permits until August 13, 2012.

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

- 715 ISBELL – Permits have been issued and extended, work is being done.
- 5032 SHERWOOD – Permits were issued and expire on 11/21/2012.
- 620 WORTHVIEW – Building and plumbing permits were issued and fees were paid. It has no electric permit and no inspection has been done.
- 1609 NANCY LANE – Building and Plumbing permits were issued, permits expire on 10/06/2012
- 809 GUSTAV – Went out today as substandard.

**21. POLICE DEPT. MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.**

PC Carter stated that the production of warrants only collected \$4,664.80 this month. We had a problem with court sending him to the collection agency and that has been resolved and we hope to see this number rise. There was a time when he was collecting up to \$18,000 per month and we're not seeing that right now. Another thing is that when he collects a warrant or he brings somebody in and they set up a payment plan, that shows up in the figure in the report but if they come back next month with a payment it does not show up in the report it goes to court or somewhere else but it does not show up in his records and that puts him at a disadvantage. Mayor Earwood stated that he is doing his job and sometimes numbers don't reflect that but if they are making payments then the money is going through the system.

PC Carter requested legal advice from CA Elam stating that he is setting up a Productivity System in the Police Department where all officers need to meet a median in work performance in five categories; traffic stops, accidents, arrests, offence reports, incident reports. CA Elam stated he needed to let her review the plan to be sure it complies with law.

CM Gordon expressed appreciation to staff for cleaning up after the storm.



22. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

**No discussion or action.**

23. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

**No discussion or action.**

24. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATROL ASSISTANCE.

**No discussion or action.**

25. **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.**

26. **PUBLIC WORKS 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.**

27. **PARK BOARD ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD.

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

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

**No discussion or action.**

31. **STORM WATER TASK FORCE 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:**

32. 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**

**EXECUTIVE SESSION:**

33. 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: Advice from City Attorney regarding possible litigation on substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almerna Rd.
- 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 7:59 p.m. Mayor Earwood convened into executive session under Sections 551.071, 551.072, 551.074 and 551.076.

**RECONVENE:**

At 8:32 p.m. Mayor Earwood reconvened into regular session.

34. **CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION**



**No action was taken.**

**ADJOURN:**

35. ADJOURNMENT

**At 8:32 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye"**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary