

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 10, 2012**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
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 7:00 p.m. on Tuesday, July 10, 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.

Mayor Earwood welcomed newly elected Joe Ashton to the Council.

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 JUNE 26, 2012

B. MINUTES OF SPECIAL CALLED MEETING JUNE 28, 2012

C. BILLS PAYABLE FOR PERIOD ENDING JULY 10, 2012

D. APPROVAL OF AGREEMENT WITH MUNDO AND ASSOCIATES AND THE RIVER OAKS ECONOMIC DEVELOPMENT CORP FOR IMPLEMENTATION OF AN ECONOMIC DEVELOPMENT PROGRAM.

E. APPROVAL OF RESIGNATION OF STEVE WINTERS AS AN ALTERNATE MEMBER ON THE PARKS BOARD.

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

None.

Mayor Earwood directed staff to incorporate this agenda item into the consent agenda.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ ACTION:

7. CONSIDER REQUEST OF FABIOLA HERRERA REPRESENTING RAINBOW PINATAS AT 1308 LONG AVE. TO BE PERMITTED 60-DAYS FOR SPECIAL PURPOSE SIGNAGE PURSUANT TO SECTION 3.12 OF THE RIVER OAKS CODE.

Fabiola Herrera and her daughter were present to request permission to hang a 7 x 4 banner on the south side of the structure at 1308 Long for 60-days in order to promote the opening of a party supply business.

Staff verified that an approved Certificate of Occupancy has been obtained.

Mayor Pro Tem Gordon moved, seconded by CM Holland, to approve the request of Fabiola Herrera, representing Rainbow Piñatas, to be permitted 60-days pursuant to section 3.12 of the River Oaks Code. All voted "Aye."

CM Crews requested that the permanent signage for the business contain the name of the business (Piñateria Arco Iris) in English.

8. CONSIDER APPROVAL OF RECOMMENDATION FROM FINANCE COMMITTEE REGARDING BONDS FOR WATER AND SEWER IMPROVEMENTS.

CM Holland summarized the meeting of the Finance Committee with the bond advisor. The goal of considering bonds is to accelerate water and sewer line replacements or street improvements. Although the interest rate of 3.5% is low, if the City were to borrow \$6 million, the payback would equate to \$9.9 million.

Mayor Earwood presented the option to continue these improvements on a pay as you go process, using City employees when possible.

CS Gregory stated the SSO Agreement could possibly be extended based on progress that has been made.

Mayor Earwood directed Staff to pursue the pay as you go plan for sewer and water line improvements and street improvements.

No action was taken.

9. CONSIDER ELECTION OF A MAYOR PRO-TEMPORE FOR THE 2012-2013 TERM YEAR

CM Crews noted that the position of Mayor Pro tem has generally been passed to different council members each year in order to allow each member to take advantage of the learning experience this position provides. CM Butler expressed no interest in this position. It was mentioned that CM Ashton may be interested once he gains experience as a council member. CM Holland expressed no interest due to his travel schedule. CM Crews and Mayor Pro tem Gordon expressed interest.

Secret ballots were passed to CS Gregory who announced the results as follows: 3 votes for Joe Crews and 2 votes for JoAnn Gordon.

Mayor Earwood announced that Joe Crews would serve as Mayor Pro tem.

No motion was made.

9. CONSIDERANDO LA ELECCION DE EL SUPLENTE DE EL ALCALDE PARA EL PERIODO DE LOS AÑOS 2012-2013

No hubo moción.

10. CONSIDER APPROVAL FROM THE STORM WATER TASK FORCE TO EXPEND FUNDS FROM THE STORM WATER FY 2012 BUDGET FOR IMPROVEMENTS INVOLVING THE DRAINAGE CHANNEL AT SPRINGER RD.

PWD Hatley presented two options for constructing a bridge on Springer Road. Raydon had quoted \$12,221. PWD Hatley stated that FC Short and the Public Works Department could build the bridge and install handrails for an estimated cost of \$6,000.

Mayor Pro Tem Gordon moved, seconded by CM Crews to approve the Storm Water Task Force to expend funds for the Storm Water FY 2012 Budget for improvements involving the drainage channel at Springer Rd. All voted "Aye."

CM Crews asked if there is a picture available of the ornamental River Oaks piece that would be placed at this site. PWD Hatley replied that it would probably have the River Oaks logo.

11. DISCUSSION AND/OR ACTION ON REPORT BY THE ARMY CORP OF ENGINEERS ON STREAMBANK STABILIZATION AT THE WATER PLANT

CS Gregory reported that according to the Army Corp of Engineers, the erosion near the homes on Inspiration Lane is not related to the Water Treatment Plant but is natural erosion and therefore does not qualify for federal funding.

No action was taken.

12. CONSIDER APPROVAL TO AMEND 2011-2012 BUDGET FOR THE REPAIR OF THE SAND TRAP INTERCEPTOR IN FIRE HALL.

PWD Hatley reported that a plumbing contractor has located the suspected cause of the sewer smell that has been reoccurring in the Fire Department for years. The lines leading to the sand trap were tied into the sewer line allowing the smell to escape into the building. The contractor performed a smoke test and located three leaks in the Police Department that allow the smell to travel into this department also.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to amend the 2011-2012 Budget for the installation of the sand trap interceptor in the Fire Hall. All voted "Aye."

13. CONSIDER SCHEDULING WORKSHOP FOR 2012-2013 BOARD RECOMMENDATIONS

CS Gregory reported that Staff has not received much response for vacant volunteer board positions and he requested the board appointments be postponed until August. Mayor Earwood mentioned that, previously, family members of elected officials could not serve on boards. In addition, Mayor Earwood mentioned that board members were allowed to serve on only one board at a time. Mayor Earwood suggested that these two conditions may be reconsidered since participation is low.

CM Holland asked if current board members whose position is up for re-appointment must re-apply. CS Gregory replied that current members must submit a new application only if there is a change from their previous application. Mayor Earwood added that the applicant should be required to submit a new application if they are requesting a position on another board.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE NO. 931-2012 AMENDING SEC. 12.05.012 SPECIAL STOP INTERSECTION OF THE RIVER OAKS CODE OF ORDINANCES ESTABLISHING SPECIAL STOP INTERSECTIONS ON SPRINGER ROAD AND PALMETTO THAT INTERSECT WITH BARBARA ROAD.

PC Carter recommended that the yield sign at Springer and Barbara be changed to a stop sign. PC Carter also recommended that a stop sign be installed at Palmetto and Barbara. CS Gregory explained that there is a 9.5 foot parkway easement on the south side of Barbara that falls under the jurisdiction of River Oaks.

CM Crews moved, seconded by CM Butler to approve Ordinance No. 931-2012. All voted "Aye."

15. CONSIDER APPROVAL OF **ORDINANCE NO. 932-2012** AMENDING THE 2011-2012 FY BUDGET FOR BUILDING MAINTENANCE REPAIRS TO THE CITY COMPLEX.

Refer to agenda item number 12 for discussion. No additional discussion occurred.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 932-2012. All voted "Aye."

STAFF REPORTS:

16. PUBLIC WORKS DIRECTOR IN REGARDS TO POSITIVE WNV SAMPLE TAKEN IN THE SOUTHEAST QUADRANT OF RIVER OAKS.

PWD Hatley reported a positive mosquito sample. Staff is actively conducting mosquito surveys in the area for total of 170 to date. PWD Hatley reported that Staff had located 112 violations that have been corrected.

No action was taken.

PUBLIC FORUM:

17. 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**

Community Center Director Wheat reported that the "bull riding" at the All American Celebration was a success.

Many comments of appreciation were stated related to the All American Celebration.

PC Carter reported that a drunk driver hit a police vehicle that was performing a traffic stop. The driver circled the block and was arrested. The officer was unharmed.

PC Carter reported an arrest and seizure of drugs, property, and cash from a suspected drug house.

EXECUTIVE SESSION:

18. 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. **Duties, and salary compensation of Police Chief, Deputy Police Chief, CID Sergeant, Police Administration and other Police Department Personnel.**
- d. Section 551.076 Deliberation regarding security devices

At 8:06 p.m. Mayor Earwood convened into executive session under Sections 551.071, 551.072, 551.074 and 551.076.

RECONVENE:

At 8:51 p.m. Mayor Earwood reconvened into regular session.

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

No action was taken.

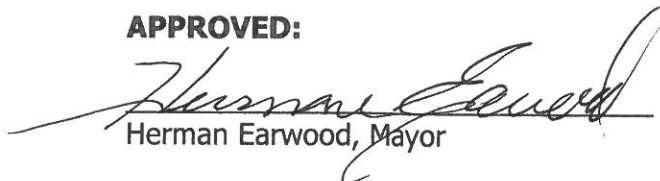
CM Ashton announced that former Castleberry High School student Aaron Marquez, who also is currently a volunteer for the White Settlement Fire Department, suffered a heart attack and Dave Bearce of the River Oaks Fire Department has planned a fund raiser for Marquez on July 28 from 10:00 a.m. until 6:00 p.m.

ADJOURN:

20. **ADJOURNMENT**

At 8:53 p.m. Mayor Pro Tem Gordon moved, seconded by CM Crews, to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary