

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
OCTOBER 9, 2012**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE CREWS
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOANN GORDON
COUNCIL MEMBER STEVE HOLLAND (ARRIVED @ 7:48 P.M.)
COUNCIL MEMBER JOE ASHTON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS DIRECTOR JAMES HATLEY
PUBLIC WORKS EMPLOYEE KELLY HOOPER
ASSISTANT FIRE CHIEF CHRIS HAWKINS
RECORDING SECRETARY CELINA MORENO
POLICE CHIEF AVIN CARTER

MEMBERS ABSENT:

None.

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, October 9, 2012, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Earwood stated that CM Steve Holland would be late due to a family emergency.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

Jim Minter led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- PROCLAMATION PROCLAIMING JUNE 28TH AS R.R. "BOB MINTER DAY AS PRESENTED BY JIM MINTER
- SPECIAL PRESENTATION FOR DISTINGUISHED SERVICE TO R.R. "BOB" MINTER AS PRESENTED BY POLICE CHIEF AVIN CARTER
- SPECIAL PRESENTATION FOR DISTINGUISHED SERVICE TO RIVER OAKS UNITED METHODIST CHURCH AS THE HOST OF NATIONAL NIGHT OUT IN THE CITY OF RIVE OAKS AS PRESENTED BY POLICE CHIEFE CARTER

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 SEPTEMBER 25, 2012

B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2012 (FY 2012)

C. BILLS PAYABLE FOR PERIOD ENDING OCTOBER 9, 2012 (FY 2012)

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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

7. CONSIDER APPROVAL OF **RESOLUTION # 744-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR CASTLEBERRY ELEMENTARY TO HOLD AN OUTDOOR EVENT ("TURKEY TROT") ON CISD PROPERTY AT 1100 ROBERTS CUT OFF RD.

Michael Jenkins, PE Teacher at CE presented the plan to host a 1 mile fun run and requested to use part of Ohio Garden Rd, Hartford Dr., Greenbrier Dr. and Tulane Ave on Saturday, November 3, 2012 from 9:30 to 10:30am.

Mayor Pro Tem Crews suggested the city should shut down traffic for that hour. Police Chief Carter will arrange the accommodations for the traffic control.

CM Gordon moved, seconded by Mayor Pro Tem Crews to approve Resolution # 744-2012. All voted "Aye"

8. CONSIDER APPROVAL OF **RESOLUTION # 745-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR ST. PAUL'S CATHOLIC CHURCH AT 5508 BLACK OAK LANE TO HOLD AN OUTDOOR FALL FESTIVAL.

A representative from St. Paul's church presented the plan to host a Fall Festival on Saturday, October 20, 2012 from 11am – 6pm with the purpose to raise money for the church youth. In case of bad weather the alternate date will be October 27, 2012. All activities will be on church property.

CM Butler moved, seconded by Mayor Pro Tem Crews to approve Resolution # 745-2012 for special event permitting St. Paul's Catholic Church at 5508 Black oaks Lane to hold an outdoor Fall Festival. All voted "Aye"

9. CONSIDER APPROVAL TO AMEND THE DECEMBER 13, 2011 SUBSTANDARD BUILDING ORDER AND THE MAY 8, 2012 ORDER TO ASSESS CIVIL PENALTIES ON THE PROPERTY AT 4525 ALMENA RD.

CS Gregory requested to amend the December 13, 2011 substandard building order and the May 8, 2012 order until October 31, 2012.

City Attorney Elam suggested we wait to consider waiving or reducing civil penalties previously assessed until legal charges are tabulated and then include it on the agenda for next council meeting.

CM Ashton moved, seconded by CM Gordon to approve to amend the December 13, 2011 substandard building order but without addressing the civil penalties at this time. All voted "Aye"

10. CONSIDER APPROVAL TO AMEND THE AUGUST 23, 2011 SUBSTANDARD BUILDING ORDER AND THE JANUARY 10, 2012 ORDER TO ASSESS CIVIL PENALTIES ON THE PROPERTY AT 1205 CHURCHILL RD.

CS Gregory stated that contractors have been contacting us regarding this property and Wells Fargo is accepting bids in order to contract and bring this property up to code. However, to date we do not indicate any permits being applied for. Wells Fargo was notified of the property being placed on this agenda as directed to do so by the City Attorney.

CS Gregory stated that council may chose not to take action until permits are taken out or direct staff to issue permits and bring it back afterwards for amending the August 2011 original order.

CM Gordon moved, seconded by CM Butler to amend the substandard building order at 1205 Churchill allowing staff to issue the necessary permits and bring it back to council at the next meeting. All voted "Aye"

11. CONSIDER APPROVAL OF APPLICATION FOR OUTDOOR RENTALS AT THE COMMUNITY CENTER.

Mayor Pro Tem Crews pointed out that he noticed on the Application under "Important Notice" that the word "outside" should read "inside".

Mayor Earwood explained that this was for people wanting to reserve it for activities that were not city functions.

CS Gregory will make the amendments.

CM Gordon moved, seconded by Mayor Pro Tem Crews to approve the application with the amendments for outdoor rentals at the Community Center. All voted "Aye"

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

PWD Hatley warned that the danger of WNV is still out there and precautions are still necessary. The season ends at the end of October.

No action taken.

13. CONSIDER PARKS BOARD RECOMMENDATION REGARDING RECENT ACTS OF VANDALISM AT THE SKATE PARK.

Chairman Hub Makarwich stated that the new park appointees have been sworn in. In reference to the vandalism, the board is recommending cameras to be installed at both McGee Park and Board Park.

Mayor Earwood recommended that the Police Department be involved in the installation of the cameras. Chairman Makarwich along with PWD Hatley will meet with camera installers about the installation and costs and bring that back to council.

No other action taken.

14. CONSIDER APPROVAL OF ANIMAL SHELTERING AGREEMENT WITH TOWN AND COUNTRY VETERINARY CLINIC.

CS Gregory stated there are a few items in the proposed agreement that still need to be resolved with Town and Country Vet Clinic plus City Attorney Elam recommended a revision to the indemnity clause. The agreement will be revised and brought back to the next council meeting of October 23rd, 2012.

No action taken.

15. DISCUSSION AND/OR ACTION ON DEPOSIT POLICY FOR UTILITY SERVICE.

CS Gregory explained that currently we require the applicant to fill out deposit application in person because our forms are duplicates and because it helps with identity verification. The plan would be that only certain applicants can fax or email deposit slips as long as we have verification they are signing the application.

CS Gregory will amend the policy to where only realtors can apply without coming in person. It will be brought back to council.

No action taken.

16. CONSIDER APPROVAL TO HOLD ANNUAL BONFIRE THURSDAY, OCTOBER 11TH AS PART OF CASTLEBERRY HIGH SCHOOL'S HOMECOMING FESTIVITIES.

CM Ashton moved, seconded by CM Gordon to approve to hold the annual bonfire for Thursday, October 11, 2012 as part of Castleberry High School's Homecoming Festivities.

Before the council voted, Assistant Fire Chief Chris Hawkins stated the fire department had not been notified about the Bonfire and stated his concern with notifying TECQ, stating that TECQ must be notified of said event.

He also added that at that point the bonfire had already been built and don't know who built it or who will be there to assist in putting the fire out on Thursday.

Mayor Earwood explained that in previous years the bonfire had always been done by the River Oaks Fire Department without the need of a notification and assured the bonfire had not been built at that point, yet the material should be on site.

Mayor Pro Tem Crews added that it has always been built and promoted by the River Oaks Fire Department and they have assisted with building it, putting it out and assured that all went well without the need to notify the TECQ.

Mayor Earwood asked if the Fire Department was willing to assist with bonfire or not? Assistant Fire Chief Chris Hawkins agreed to have the Department present.

CM Ashton moved, seconded by CM Gordon to amend the previous motion to approve the bonfire with the stated supervision of the River Oaks Fire Department. All voted "Aye"

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

CM Holland arrived at 7:48pm

17. CONSIDER APPROVAL OF **ORDINANCE # 950-2012** ESTABLISHING A CODE OF ETHICS FOR ELECTED OFFICIALS AND BOARD MEMBERS.

CS Gregory stated the clean version had been sent out as requested after it was revised by both staff and city attorney.

CM Holland pointed out that on page 10 there is a mark-through that needs to be removed in the clean version.

CM Gordon moved seconded by CM Butler to approve Ordinance # 950-2012 establishing a code of ethics for elected officials and board members. All voted "Aye"

18. CONSIDER APPROVAL OF **ORDINANCE # 955-2012** ABANDONING MELBOURNE DRIVE AS A PUBLIC STREET RIGHT-OF-WAY

Mayor Pro Tem Crews stated that the renovation will start after football season. CS Gregory explained that it will no longer be a public street but instead it will be a private drive way as part of CISD.

Assistant Fire Chief Hawkins expressed his concern with fire lanes. Mayor Earwood explained that there will probably be a gate and there will be access for emergency vehicles.

Mayor Pro Tem Crews moved, seconded by CM Gordon to approve ORDINANCE # 955-2012 abandoning Melbourne Drive as public street right-of-way. All voted "Aye"

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**

None at this time.

EXECUTIVE SESSION:

20. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENEN 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: **Advice from City Attorney regarding possible litigation on substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena 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 compliant or charge against an Officer or Employee. **To deliberate the appointment of a Fire Chief**
- d. Section 551.076 Deliberation regarding security devices

[At 7:59 p.m. Mayor Earwood convened into executive session under 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 Almena Rd.,** Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:, 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 compliant or charge against an Officer or Employee. **To deliberate the appointment of a Fire Chief,** Section 551.076 Deliberation regarding security devices

RECONVENE:

[At 10:49 p.m. Mayor Earwood reconvened into regular session.]

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Mayor Earwood announced Chris Hawkins to be the Fire Chief for the time being.

CM Holland thanked everyone involved with the interview process and those that helped with the decision.

Mayor Pro Tem Crews thanked and acknowledged the presence of everyone.

Mayor Earwood encouraged the Fire Department to support the new Fire Chief and encouraged everyone to work together and take care of the community.

CM Ashton thanked the Fire Department for all they do.

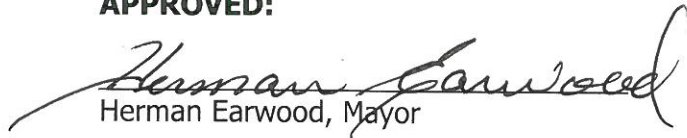
CM Gordon pointed out that the council cares about the Fire Department and the citizens of the community. We are a team and we all have the same goal and that is to provide a good quality of life and safety to our community. We might not say thank you enough but we are very appreciative for all you have done and all you do.

ADJOURN:

22. ADJOURNMENT

At 10:56p.m. Mayor Pro Tem Crews moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary