

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JANUARY 24, 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 BOB MINTER

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE DEPARTMENT CAPTAIN GREG STOCKTON
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICE MANAGER PAULA BAGWELL
POLICE LIEUTENANT AVIN CARTER
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, January 24, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

CS Gregory 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 JANUARY 10, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 24, 2012
- C. APPROVAL OF EMPLOYMENT CONTRACT WITH ROSA FLORES, COURT CLERK, FOR CERTIFICATION PAY
- D. APPROVAL OF E.D.C. QUARTERLY REPORT FOR PERIOD ENDING 12/31/2011
- E. APPROVAL OF CRIME COMMISSION QUARTERLY REPORT FOR PERIOD ENDING 12/31/2011

F. APPROVAL OF FY 2012 FIRST QUARTER INVESTMENT REPORT

G. APPROVAL OF RESIGNATION OF POLICE OFFICER JIM SANDIDGE

Mayor Pro Tem Gordon gave a review of the EDC 1st quarter report as follows: total revenues for the 1st quarter of \$39,281.76; total expenditures for the quarter were \$31,289.52; the beginning quarterly balance in the bank was \$115,176.07 resulting in an ending balance in the bank of \$123,168.31; The beginning balance in Tex-Pool was \$224,694.54 with interest of \$51.38 resulting in an ending balance in Tex-Pool of \$224,745.92. The total in the bank and in Tex-Pool is \$347,914.23.

CM Crews gave a review of Crime Control and Prevention District 1st quarter report as follows: total revenues for the 1st quarter of \$38,484.37; total expenditures for the quarter were \$38,186.46 resulting in an ending balance of \$152,387.30

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, C, 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

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF CONTRACT WITH LYSA FOR USE OF MC GEE PARK BALLFIELDS FOR THE 2012 BASEBALL SEASON

Steve Sanders, LYSA President, was present to request the use of the ball fields at McGee Park on Monday, Tuesday, Thursday, Friday and Saturday from 5:30 p.m. until 10:30 p.m. from March 1, 2012 until July 1, 2012. CM Crews asked why the time frame requested had been extended. Sanders explained that the youth association had previously practiced at the elementary school that will be undergoing major construction.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve the contract with LYSA for use of McGee Park ball fields for the 2012 baseball season. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON REQUEST BY RODNEY ORAND FOR ADDITIONAL TIME TO COMPLY WITH THE 120-DAY TIME LIMIT PURSUANT TO ORDINANCE # 900-2011 THAT REZONED THE PROPERTY AT 1917 ROBERTS CUT OFF TO "PC" PLANNED COMMERCIAL FOR USE AS A NURSERY STORAGE YARD AND TELECOMMUNICATIONS TOWER

Rodney Orand, Orand's Nursery, was present to request until March 31, 2012 to complete the site plan requirements due to reduced business in the winter months. Council Members informed Mr. Orand that parking on the vacant lot next door to his property is prohibited under the city ordinance that prohibits yard parking.

CM Crews moved, seconded by CM Butler, to extend the time as outlined in Ordinance # 909-2011 to June 1, 2012. All voted "Aye."

CA Elam confirmed that the ordinance does not require amendment since the City can choose whether or not to enforcement an ordinance.

CS Gregory mentioned that the permit will expire prior to July 1, 2011 and would be extended at the current face value.

9. DISCUSSION AND/OR ACTION ON EXPENDING FUNDS TO REPAIR THE 2004 INTERNATIONAL GARBAGE TRUCK (G-11) AS PRESENTED BY PWD JAMES HATLEY

Discussion occurred comparing the cost of repairs versus the cost or replacing the 2004 garbage truck. The truck requires repairs that could range from \$5,000 to \$12,000 depending on the extent of the repair. PWD Hatley responded to inquiries, stating that if necessary the sanitation department could function without this truck until April Clean Up Month. Mayor Earwood asked John Claridge for his opinion. John Claridge indicated the truck would be worth repairing if it is a diesel.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to pursue the repair of the garbage truck in an amount not to exceed \$12,000.

Mayor Earwood asked in there are other issues with the garbage truck. PWD Hatley reported an electrical issue that Mechanic Woodall should be able to address. CM Crews requested that Staff research the cost of a new garbage truck.

All voted "Aye."

10. UPDATE ON FIRE MERGER AS PRESENTED BY MAYOR PRO-TEM GORDON AND COUNCILMAN STEVE HOLLAND

Mayor Pro Tem Gordon summarized the recent meetings related to the fire department merger. The position of River Oaks is that each entity pays an equal amount. Council Members declared that River Oaks would remain firm on the benefits available to fire fighters as well as the quality of service provided to the citizens.

No action was taken.

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

11. CONSIDER APPROVAL OF **RESOLUTION # 722-2012** CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 12, 2012; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE

CS Gregory requested that the Council call a general election for May 12, 2012.

Mayor Pro Tem Gordon moved, seconded by CM Holland, to approve Resolution #722-2012. All voted "Aye."

12. CONSIDER APPROVAL OF **ORDINANCE # 912-2012** AMENDING THE 2012 FY GENERAL FUND BUDGET FOR THE UNPLANNED MAJOR REPAIRS TO THE 2005 2004 INTERNATIONAL GARBAGE TRUCK (G-11)

CM Butler moved, seconded by Mayor Pro Tem Gordon to approve Ordinance # 912-2012. All voted "Aye."

Mayor Earwood suggested that the approval include an additional \$1,500 for electrical repairs to the garbage truck. CS Gregory stated that the electrical repairs are covered in another fund.

STAFF REPORT:

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

Inspector Sanders gave the following updates on substandard properties:

- 1129 ST. EDWARDS – No change to report. The City Council has given direction to proceed with the tax sale.
- 5314 ½ AMHERST – No inspections to report with a building permit that expires in February 2012. This property will be presented to the City Council in February if compliance is not met.
- 1205 CHURCHILL – This is a bank owned property. The bank may abandon the property or demolish the structure.
- 1409 LAWRENCE – No contact or progress to report. The Council order expires on February 20, 2012 at which time this property will come back before the Council.
- 4525 ALMENA – No progress to report. The Council Order expires on April 20, 2012.

14 **REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 1712 LAWTHORP – Christmas in Action is working with the owner to bring the property into compliance. CS Gregory added that Christmas in Action is experiencing a decline in donations that may impede progress. CM Crews suggested that Ron Tovar be present to give a report at the next Council Meeting.
- 5414 BAYLOR – A new owner has paid the substandard fee and obtained a building permit that expires March 9, 2012.
- 720 WINTERS – Permit for roof was approved. Permit for garage and fence repair was recently issued with an expiration date June 7, 2012.

- 1629 HILLSIDE – Only electrical violations remain and the electrician is in the process of obtaining a permit.
- 4824 SHERWOOD – Substandard fee paid and a building permit was obtained that expires January 28, 2012. This property will be presented to the Council in February if compliance is not met.
- 5519 NOTRE DAME – No progress to report. This property will be presented at the next regular meeting of the City Council for a council order.
- 1616 LAURA (VACANT) – A new owner allowed entry today in order to complete a substandard checklist.
- 4608 ALMENA – Continual progress and active permits that expire January 30, 2012.
- 715 ISBELL – Active permit that expires February 6, 2012.

Mayor Pro Tem Gordon asked about a house at the corner of Yale and Baylor that is advertised as two houses for the cost of one. Sanders reported that 5501 Baylor is registered as non-conforming.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

15. **POLICE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED

No discussion or action.

16. **FIRE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE

Captain Stockton reported 82 calls in December and 65 calls thus far in January.

Captain Stockton displayed the new "AED" devices that were recently purchased. The devices will be placed at four locations in City buildings. Captain Stockton stated that Cardiac Science is willing to provide CPR certification to all city employees at a cost of approximately \$30 per person. It was mentioned that portable AED devices be purchased for some key police personnel since they are frequently the first to respond.

No action was taken.

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

No discussion or action.

18. **LIBRARY MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE

No discussion or action.

19. **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.

20. **PUBLIC WORKS MONTHLY 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.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

25. **STORM WATER TASK FORCE MONTHLY 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:

26. 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:

27. 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. **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 8:11 p.m. Mayor Earwood convened into executive session under 551.071, 551.072 and 551.074.]

RECONVENE:

[At 9:42 p.m. Mayor Earwood reconvened into regular session.]

28. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

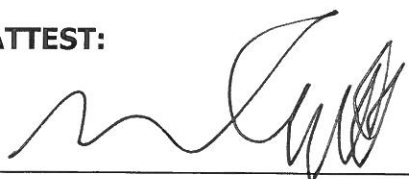
No action was taken.

ADJOURN:

29. ADJOURN

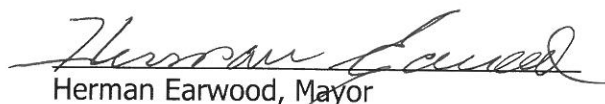
At 9:42 p.m. CM Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

ATTEST:



Marvin Gregory, City Secretary

APPROVED:



Herman Earwood, Mayor