

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

MEMBERS PRESENT:

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

MEMBERS PRESENT:

COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
FIRE CHIEF RON SHORT
POLICE LIEUTENANT AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
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, February 28, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114. Mayor Earwood announced that Council Member Holland was absent.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

Citizen Joe Ashton 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 FEBRUARY 14, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 28, 2012
- C. APPROVAL OF MAYOR'S RECOMMENDATION TO ACCEPT THE RESIGNATION OF MITCHELL MOLINAR AS HEAVY EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT
- D. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE STANLEY JOHNSON AS HEAVY EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT

E. APPROVAL OF CONTRACT FOR CERTIFICATION PAY WITH LOURDES TORRES
FOR TCLEOSE BILINGUAL CERTIFICATION

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."

Mayor Pro Tem Gordon expressed congratulations to Lourdes Torres for her certification achievement.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: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 HOLD AN ESTATE SALE WITH SPECIAL CONDITIONS AT 1400
LONG (KATHERINE WILSON) AS PRESENTED BY NANCY TOOMBS

Nancy Toombs was requested permission to hold an estate sale on the property at 1400 Long Avenue.

CS Gregory explained that Mrs. Toombs is requesting to allow her family members to bring items from their own homes to sell at the estate sale. CM Crews pointed out that property sold at a "yard sale" must not be acquired nor consigned for the purpose of resale. CS Gregory added that Staff had encountered instances in the past that involved yard sale applicants bringing in large quantities of merchandise for sale at yard sales.

CM Crews moved, seconded by CM Butler, to approve an estate sale with special conditions at 1400 Long. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON BRIEFING BY MEDSTAR ON CONDUCTING A PILOT
PROGRAM USING SPECIALLY TRAINED NURSES IN A 9-1-1 COMMUNICATIONS CENTER

Matt Zavadsky, representative for MedStar, introduced Doug Hooten, Executive Director for MedStar. Mr. Zavadsky showed a power point presentation summarizing a pilot program that uses triage nurses in the 9-1-1 communications center. The program intention is to assist the patient in determining if an ambulance is the right option.

FC Short expressed a concern that the Fire Department could be violating abandonment laws if they leave the patient without an ambulance arriving on scene. Mr. Zavadsky pointed out that the patient would be under the care of the triage nurse and would effectively decline the ambulance, thereby releasing the fire department. Mr. Zavadsky stressed the point that an ambulance would be dispatched if the patient requests.

Lieutenant Carter asked about the process using Tarrant County Fire Alarm. Mr. Zavadsky responded that the caller would be transferred to the triage nurse once the call reaches the 9-1-1 communication center.

Citizen Shirley Minter mentioned a recent situation in which a patient waited 45-minutes for MedStar to arrive. Mr. Zavadsky stated that without knowing all the facts such as the level of priority, he could not accurately respond.

Citizen James Ashley pointed out that the MedStar plan only covers the incident if the patient is actually transported. Mr. Zavadsky replied that MedStar would likely revise that program to include the triage nurse situations.

Mr. Zavadsky stated the intention of having the pilot program in place by May 1, 2012.

No action was taken.

9. CONSIDER APPROVAL OF THE IESI TX CORPORATION 2012 RATE ADJUSTMENT FOR COMMERCIAL GARBAGE SERVICE

Norm Bulaich, representative for IESI TX Corporation, was present to request a rate increase of 3.65% as allowed by the contract for commercial waste removal. The rate increase is based on the Consumer Price Index.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve the IESI TX Corporation rate adjustment for commercial garbage service. All voted "Aye."

Mr. Bulaich mentioned a name change for IESI to Progressive Waste Solutions.

10. DISCUSSION AND/OR ACTION ON CHRISTMAS IN ACTION PROGRAM REPORT AS PRESENTED BY RON TOVAR

Ron Tovar, representative for Christmas in Action, gave a brief history of the formation of Christmas in Action and the founder of the River Oaks chapter, Katherine Wilson.

Mr. Tovar introduced Irene Jaime, owner of the property 1712 Lawther. Mr. Tovar summarized the repairs that Christmas in Action has performed on this property that include electrical and plumbing upgrades. Mr. Tovar stated that only windows and weatherproofing remain to complete the improvements.

No action was taken.

11. CONSIDER APPROVAL OF EMERGENCY PIPE BURSTING OF THE SEWER LINE IN THE 400 BLOCK OF FRONTIER

PWD Hatley requested approval of the emergency pipe bursting of a sewer line in the 400 block of Frontier due to a collapsed main.

Mayor Pro Tem Gordon moved, seconded by Cm Butler, to approve the emergency pipe bursting of the sewer line in the 400 block of Frontier in the amount of \$38,174. All voted "Aye."

12. CONSIDER APPROVAL OF TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH LAWRENCE KAYE AT 1844 INSPIRATION LANE

[Mayor Pro Tem Gordon abstained from discussion and voting on this agenda item and filed a conflict of interest form with the CS Gregory.]

CS Gregory explained that additional space is necessary to store the sludge from the lagoons. Gregory recommended temporary easement agreement with the owner of the adjacent property in order to stockpile the sludge on the rear of his property. CS Gregory added that the drainage way at the rear of the property has eroded and is in need of a solution. Staff anticipates this could be accomplished at a cost of approximately \$20,000. CS Gregory stated that this would be presented to the Council once accurate quotes are obtained.

CM Crews moved, seconded by CM Butler, to approve a temporary construction easement agreement with Lawrence Kaye at 1844 Inspiration Lane and to proceed with the drainage project. All voted "Aye."

[Mayor Pro Tem Gordon returned to the dais.]

13. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER EVENTS AS FOLLOWS:

Shirley Wheat and Shirley Bloomfield presented the following Community Events:

- a. RIVER OAKS GIRL SCOUTS REQUESTING TO MEET 2 MONDAYS A MONTH. AS A CIVIC GROUP – The request is for the group to meet in one of the side rooms for an hour every other Monday evening. The group currently meets at the leader's home in River Oaks. The Longhorn Chapter address is on Hulen. Discussion led to the recommendation to re-evaluate this request after six months.
- b. EASTER EGG HUNT – MARCH 31 – It was requested to purchase 7 dozen filled eggs from Super Save at a cost of \$67.50 per case for the Easter event.
- c. 50's SHOW – APRIL 14 – 7:30 P.M. – Using some of the talent show Contestants.
- d. DANCE CONTEST – MAY 12 – 7:30PM - Citizen Nancy Crews pointed out that this is election day and Mother's Day weekend. Community Center Directors decided to change the date to an unknown date and reserve the Community Center for an election watch party at the request of the Mayor.
- e. SPLASH DAY - LARGE WATER SLIDE – JUNE 2 - 12 NOON TO 4PM – It was requested to hold Saturday Splash Days once per month, provided that water conservation restrictions are lifted.

- f. ALL AMERICAN CELEBRATION LIVE ENTERTAINMENT - JUNE 30TH - BEGINS 6PM
– It was mentioned that although construction would be ongoing at the elementary school, the location would remain the same. It was mentioned that EDC had budgeted \$7,500 for fireworks and that Staff had applied for a grant from Chesapeake to cover this cost.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve the Community Center events as presented. All voted "Aye."

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

Mayor Pro Tem Gordon reported no communication with the other cities since the last proposal.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE CITY'S ADOPTION OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, THE SAME BEING SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE BY AMENDING THE RIVER OAKS CODE OF ORDINANCES UNDER CHAPTER 13 "UTILITIES" BY INCORPORATING ARTICLE 13.12 "STORM WATER UTILITY SYSTEM" THAT IF ADOPTED WILL ESTABLISH THE RIVER OAKS MUNICIPAL STORM WATER UTILITY SYSTEM.

At 8:07 p.m. Mayor Earwood opened the public hearing.

CS Gregory showed a power point presentation that explained the purpose of the creating the River Oaks Municipal Storm Water Utility System and establishing storm water charges and monthly storm water fees.

At 8:38 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 913-2012** ADOPTING THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, THE SAME BEING SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE BY AMENDING THE RIVER OAKS CODE OF ORDINANCES UNDER CHAPTER 13 "UTILITIES" BY INCORPORATING ARTICLE 13.12 "STORM WATER UTILITY SYSTEM" THAT WILL ESTABLISH THE RIVER OAKS MUNICIPAL STORM WATER UTILITY SYSTEM.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance # 913-2012. All voted "Aye."

17. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE CITY'S ADOPTION OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, THE SAME BEING SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE BY AMENDING THE RIVER OAKS CODE OF ORDINANCES UNDER CHAPTER 13 "UTILITIES" BY INCORPORATING ARTICLE 13.12 "STORM WATER UTILITY SYSTEM" ESTABLISHING STORM

WATER CHARGES AND MONTHLY STORMWATER UTILITY SYSTEM FEES FOR RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS IN THE RIVER OAKS MUNICIPAL STORM WATER UTILITY SYSTEM.

At 8:39 p.m. Mayor Earwood opened the public hearing.

CS Gregory explained the procedure used to calculate the proposed monthly storm water fees. The proposed fee for a residential lot would be \$4 per parcel. Non-residential properties, including churches and apartments, would be calculated on square footage times the constant of \$0.00177 per square foot.

Citizen Walter Caraway asked if the city could initiate a bond project to cover the cost of the projected drainage improvements. Mayor Earwood stated that the cost of a bond project is not an acceptable solution.

At 8:47 p.m. Mayor Earwood closed the public hearing.

At 8:47 p.m. Mayor Earwood closed the public hearing.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 914-2012** BY AMENDING THE RIVER OAKS CODE OF ORDINANCES UNDER CHAPTER 13 "UTILITIES" BY INCORPORATING ARTICLE 13.12 "STORM WATER UTILITY SYSTEM" ESTABLISHING STORM WATER CHARGES AND MONTHLY STORMWATER UTILITY SYSTEM FEES FOR RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS IN THE RIVER OAKS MUNICIPAL STORM WATER UTILITY SYSTEM.

Mayor Pro Tem Gordon moved, seconded by CM Crews to approve Ordinance # 914-2012. All voted "Aye."

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

19. CONSIDER APPROVAL OF **ORDINANCE # 916-2012** AMENDING ARTICLE VIII, "JUNKED AND ABANDONED VEHICLES", OF CHAPTER VIII OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; BY AMENDING THE DEFINITION OF JUNKED VEHICLE TO CONFORM TO RECENT STATUTORY AMENDMENTS.

CS Gregory explained that the proposed ordinance complies with recent changes in state law to the definition of "Junked and Abandoned Vehicles".

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 916-2012. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE # 917-2012** AMENDING ARTICLE 1.01, "CODE OF ORDINANCES", OF CHAPTER 1 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY EXPRESSLY PROVIDING CERTAIN EMPLOYEES AND HIS OR HER DESIGNEES WITH THE AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF THE CITY CODE.

CS Gregory stated that the City Attorney advised that the City adopt an ordinance authorizing the Public Works Director and the Building Official with the authority to designate the issuance of citations by the code enforcement officer and the building inspector for code violations.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 917-2012. All voted "Aye."

CM Crews requested that more educational efforts be made to reach the citizens regarding the proper way to dispose of grass clippings and other objectionable materials that affect the storm drains.

STAFF REPORT:

21. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

Inspector Sanders gave the following updates on substandard properties:

- 1129 ST. EDWARDS – This is now City property. Staff obtained entry and removed the junk and debris from the property.
- 5314 ½ AMHERST – No inspections to report with an expired building permit and a council order that expires March 10, 2012. This property will be presented to the City Council in March. Ron Tovar, Christmas in Action, stated that Christmas in Action may be able to assist the property owner.
- 1205 CHURCHILL – This is a bank owned property. Staff obtained entry and has provided an updated substandard checklist to the property manager.
- 1409 LAWRENCE – This is a bank owned property. No contact or progress to report. The Council order expired on February 20, 2012. This property will be presented at the City Council in March.
- 4525 ALMENA – This is a bank owned property. No progress to report. The Council Order expires on April 20, 2012.
- 5519 Notre Dame – This property was ordered demolished by the City Council.

22. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 1712 LAWThER – Refer to agenda item number 10 for discussion on this property.
- 5414 BAYLOR – There are active permits on this property that expires March 9, 2012.
- 720 WINTERS – There is an active permit that expires on June 7, 2012.

- 4824 SHERWOOD – There is continual progress on this property under permits that expire March 29, 2012.
- 1616 LAURA (VACANT) – There is an active permit that expires March 27, 2012.
- 4608 ALMENA – There is continual progress and active permits on this property that expire March 20, 2012.
- 715 ISBELL – There is an active permit that expires March 8, 2012.

23. **SUBSTANDARD PROPERTIES RELEASED:**

- 1629 HILLSIDE – This property is in compliance and has been released from substandard.

24. **STAFF REPORT ON DELINQUENT TAX SALE ON PROPERTY AT 1129 ST. EDWARDS**

Mayor Earwood stated that Staff had recently met with the tax attorney and this property will be sold by sealed bids at a private auction.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

25. **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.

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

FC Short reported no update on the fire merger. FC Short reported good response times with intentions of better response times in the future.

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

No discussion or action.

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

No discussion or action.

29. **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.

30. **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

PWD Hatley reported that TXDOT is performing some repairs and replacing some pole illuminators on River Oaks Boulevard.

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

No discussion or action.

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

No discussion or action.

33. **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.

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

No discussion or action.

35. **STORM WATER TASK FORCE MONTHLY ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

PWD Hatley thanked the Council for support of the Storm Water Task Force. PWD Hatley reported progress on the rock and boulder beautification project at the Community Center.

PUBLIC FORUM:

36. 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**

Sherrie Dast requested that "detour" or "road closed" signs be placed on Shenna during the project.

Lieutenant Carter reported that the Police Department is in the process of hiring two officers.

Citizen Shirley Minter requested that one of the decorative banners on River Oaks Boulevard be inspected due to deterioration.

EXECUTIVE SESSION:

37. 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.
- d. Section 551.076 Deliberation regarding security devices

[At 9:08 p.m. Mayor Earwood convened into executive session under 551.074.]

RECONVENE:

[At 9:14 p.m. Mayor Earwood reconvened into regular session]

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

39. ADJOURN

At 9:15 p.m. CM Butler moved to adjourn the meeting.

Mayor Pro Tem Gordon read a thank you card from the family of Katherine Wilson.

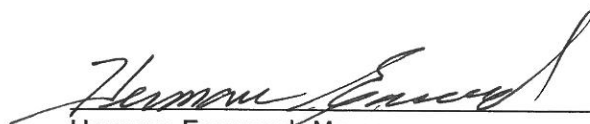
Mayor Pro Tem Gordon seconded the motion. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor