

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
FEBRUARY 26, 2013**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
INTERIM FIRE CHIEF CHRIS HAWKINS (AT 7:20 P.M.)  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS SHOP FOREMAN KELLEY HOOPER  
ASSISTANT CITY SECRETARY PAULA LUCK  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
CODE COMPLIANCE OFFICER FABIAN NEATHERY  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
SECRETARY SUSAN STEWART  
CITY ATTORNEY DREW LARKIN (FOR 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 26, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

The pledges of allegiance to the United States and the Texas Flags were recited.

4. READING OF PROCLAMATION(S) BY MAYOR:

Mayor Earwood read a proclamation declaring April 2013 as River Oaks Clean Up Month and April 27, 2013 as the official River Oaks Clean Up Day.

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 12, 2013
- B. BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 26, 2013
- C. RATIFY RESIGNATION OF ROSALINDA (LINDA) MALDONADO AS A SCHOOL CROSSING GUARD IN POLICE DEPARTMENT.
- D. RATIFY HIRING OF ROBERT MOORE AS A RESERVE POLICE OFFICER

- E. APPROVAL OF EMPLOYMENT AGREEMENT WITH JOHN GIBBS FOR WATER PLANT HOUSE
- F. APPROVAL OF EMPLOYMENT AGREEMENT WITH COMMUNITY CENTER CO-DIRECTORS
- G. APPROVAL OF ANNUAL CERTIFICATION PAY AGREEMENTS WITH CITY EMPLOYEES

**CM Butler moved, seconded by CM Ashton, 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 **RESOLUTION # 757-2013** FOR SPECIAL EVENT PERMITTING AT 4800 OHIO GARDEN ROAD. IN ORDER FOR THE RIVER OAKS UNITED METHODIST CHURCH TO HOLD A PARKING LOT SALE

Martha Wright requested permission to hold a parking lot sale at 4800 Ohio Garden Road. The Church will receive a fee from participants for a space in the parking lot. Participants will retain their profits. CA Larkin agreed that this event is a special event approved by resolution and not a yard sale and therefore the yard sale permit fee does not apply.

**CM Gordon moved, seconded by CM Butler, to approve Resolution #757-2013 for a special event at the River Oaks Methodist Church with the removal of Section 3 under special request requiring a fee for each parking space. All voted "Aye."**

8. CONSIDER APPROVAL OF THE 2011-2012 FISCAL YEAR AUDIT REPORT AND PROPOSAL FOR THE 2012-2013 FY AUDIT AS PRESENTED BY WILLIAM SPORE, CPA

Bill Spore was present to answer questions, stating that the max fee for audit services would remain the same as the previous year.

**CM Holland moved, seconded by CM Gordon, to approve the 2011-2012 fiscal year audit report and proposal for the 2012-2013 audit. All voted "Aye."**

9. CONSIDER APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF RIVER OAKS, WELLS FARGO BANK, N.A. AND AVOCENT VENTURES, L.P. REGARDING SUBSTANDARD PROPERTY AT 1205 CHURCHILL RD.

This item was discussed in executive session.

Refer to action from executive session for action taken on this agenda item.

10. CONSIDER APPROVAL FOR PROFESSIONAL ENGINEERING SERVICES WITH E.S.C.M. ENGINEERING FOR RIVER OAKS BLVD. DRAINAGE IMPROVEMENTS AS RECOMMENDED BY THE STORM WATER TASK FORCE

CS Gregory summarized the request for engineering services to survey a drainage issue from Chicken Express to Yale on River Oaks Boulevard. CS Gregory explained that the EDC is considering this area as part of a demonstration project on River Oaks Boulevard as a result of recent PLMC meetings. CS Gregory stated the engineering services for this project could be funded by the Storm Water Task Force in the amount of \$8,800.00.

**Mayor Pro Tem Crews moved, seconded by CM Gordon, to approve professional engineering services. All voted "Aye."**

11. CONSIDER APPROVAL OF REQUEST BY PWD HATLEY TO AUCTION OFF PUBLIC WORKS EQUIPMENT THAT HAS BEEN TAKEN OUT OF SERVICE

Kelley Hooper requested approval to sell the following items that are no longer in use: a welder, miscellaneous parts, an ATV, W 3 Ford pickup, a Rosco Roller, a towable air compressor, and a fleet body.

**Mayor Pro Tem Crews moved, seconded by CM Butler, to auction public works equipment. All voted "Aye."**

12. CONSIDER REQUEST BY KELLY HOOPER TO PURCHASE A USED 2002 LEACH TRASH TRUCK TO REPLACE UNIT G-54 IN THE CITY'S SANITATION FLEET

Kelley Hooper presented the request to purchase a used trash truck for approximately \$25,000. Hooper stated that the truck is in good condition with the exception of the tires. Hooper recommended trading in a G54 trash truck that would offset the cost of the tires. It was mentioned that this truck, along with the Volvo, would be used as backups. Council Members support the purchase of the truck pending a final price.

**Mayor Pro Tem Crews moved, seconded by CM Gordon, to pursue the purchase of a used 2002 Leach Trash Truck at a maximum of \$25,000. All voted "Aye."**

13. DISCUSSION AND/OR ACTION REGARDING COUNCIL MEETINGS

Mayor Earwood presented the suggestion to consider holding only one council meeting per month in order to reduce attorney fees, staff time and overtime.

Discussion occurred that led to continuing with two meetings per month with ability to cancel one if feasible.

**No action was taken.**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

14. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED *SITE PLAN APPROVAL* AND *ZONING TEXT AMENDMENT* AS REQUESTED FOR **BY KARL KLEMENT PROPERTIES D/B/A RIVER OAKS SHOPPING CENTER SPECIFICALLY AT 5500 RIVER OAKS BLVD.** IN ORDER FOR THE CITY TO CONSIDER REVISING SECTION 15.B "USE REGULATIONS" SPECIFICALLY UNDER 15B.6 OF THE RIVER OAKS ZONING ORDINANCE # 920-2012 AS CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) IN CHAPTER 14, EXHIBIT "A" CHANGING THE EXISTING USE REQUIREMENT FOR "CLEANING, DYEING AND PRESSING WORKS; LAUNDRY AND WASHATERIAS" BY INCREASING THE MAXIMUM ALLOWABLE FLOOR AREA FROM 3000 TO 3,220 SQUARE FEET. (*ZONING CASE 2013-01*)

**At 8:14 p.m. Mayor Earwood opened the public hearing.**

CS Gregory reported that the Planning and Zoning Commission recommended that the text amendment allow washaterias that do not exceed 3,000 square feet unless otherwise approved by the City Council. The secondary option was presented would increase the maximum allowable size of washaterias.

**At 8:29 p.m. Mayor Earwood closed the public hearing.**

15. **ACTION FROM PUBLIC HEARING:** CONSIDER *SITE PLAN APPROVAL* AND *ZONING TEXT AMENDMENT* AS REQUESTED FOR **BY KARL KLEMENT PROPERTIES D/B/A RIVER OAKS SHOPPING CENTER SPECIFICALLY AT 5500 RIVER OAKS BLVD.** WITH THE ADOPTION OF **ORDINANCE # 970-2013** REVISING THE USE REGULATION OF "CLEANING, DYEING AND PRESSING WORKS; LAUNDRY AND WASHATERIAS" IN SECTION 15.B "USE REGULATIONS" SPECIFICALLY UNDER 15B.6 OF THE RIVER OAKS ZONING ORDINANCE # 920 AS CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES IN CHAPTER 14, EXHIBIT "A"

**CM Butler moved, seconded by Mayor Pro Tem Crews, to approve the adoption of Ordinance #970-2013 amending the zoning ordinance in Section 15B.6 allowing Cleaning, dyeing and pressing works; laundry and washaterias providing that the floor area does not exceed 3,300 square feet and to also approve the Site Plan Application up to 3,220 square feet as submitted by Karl Klement at 5500 River Oaks Blvd. All voted "Aye."**

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

16. CONSIDER APPROVAL OF **ORDINANCE NO. 971-2013** AMENDING THE 2012-2013 FY BUDGET FOR UNPLANNED EXPENDITURES FOR COMMUNITY CENTER BUILDING IMPROVEMENTS

**CM Gordon moved, seconded by CM Ashton, to approve Ordinance #972-2013. All voted "Aye."**

17. CONSIDER APPROVAL OF **ORDINANCE NO. 972-2013** AMENDING THE 2012-2013 FY BUDGET FOR EXPENDITURE OF COMMUNITY CENTER DOLLAR DONATIONS FOR THE INSTALLATION OF 312-FEET OF CHAIN LINK FENCING ALONG THE NORTHEAST SIDE OF THE PROPERTY

Mayor Earwood described a 6-foot tall coated chain link fence between the Community Center and the neighboring properties that has been considered to be installed around the north end of the Community Center property.

**CM Gordon moved, seconded by CM Butler, to approve Ordinance #972-2013. All voted "Aye."**

18. CONSIDER APPROVAL OF **ORDINANCE # 973-2013** AMENDING THE 2012-2013 FY BUDGET FOR UNPLANNED EXPENDITURES IN ORDER TO PURCHASE A USED 25-YARD LEACH GARBAGE TRUCK IN THE SANITATION FLEET

This item will be presented to Council once the final dollar amount is secured.

**No action was taken.**

**STAFF REPORTS:**

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

- 1129 ST. EDWARDS – Sanders reported an active building permit that expires 5/13/2013 as allowed by Council on 2/12/2013. Owner has verbally agreed to pay \$1375.00 for cleanup fees.
- 1205 CHURCHILL – No report
- 1409 LAWRENCE – Sanders reported that the property is a mowable lot, civil penalties have been paid, and the property has been release from substandard.
- 1619 YALE – Sanders reported that Chase Bank now shows as owner on TAD with a new mailing address. 1/16/2013- sent council order from 12/14/2012 to new address. City attorney is reviewing documents. Property has a contract on it; will bring back to Council for an amended order in March.
- 809 GUSTAV - Sanders reported that CS Gregory is working with Bank of America on a rehabilitation program.
- 4841 SHERWOOD – Sanders reported Active building, plumbing, and electrical permits with progress under an order that expires 3/11/2013
- 620 WORTHVIEW DR. – Sanders reported Active building permit with progress under an order that expires 3/11/2013. Plumbing and electrical approved.

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

- 715 ISBELL – Sanders reported progress under a Building Official Order that expires 4/15/2013. Must do monthly progress checks.
- 5032 SHERWOOD – Sanders reported an active building permit with progress under building official order that expires 3/11/2013
- 604 Frontier – Sanders reported a building permit that expired 2/18/2013 without inspections. Staff is preparing for a public hearing on March 26, 2013

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

**21. 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**

PC Carter reported a vacancy for a patrol officer and three potential upcoming vacancies. Interviews will be conducted beginning tomorrow.

PC Carter responded to a concern regarding the flashing school lights, stating that the department has two new solar powered flashing lights that can be installed. Pricing will be obtained.

PC Carter reported that two vehicles have been sold.

**No action was taken.**

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

IFC Hawkins thanked those who attended the annual Fire Department awards banquet.

**No action was taken.**

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

**No action was taken.**

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

27. **PARK BOARD MONTHLY 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 MONTHLY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX

**No discussion or action.**

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

**No discussion or action.**

31. **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 action was taken.**

**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

Nancy Crews gave a reminder that Castleberry ISD is hosting the annual health fair this on Saturday March 2, 2013 at A. V. Cato Elementary from 9:00 a.m. until 2:00 p.m.

**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 property at 1205 Churchill Rd. Advice from City Attorney regarding possible litigation on Property Damage Case (Caraway vs. City of River Oaks).
- 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 9:00 p.m. Mayor Earwood convened into executive session under Section 551.074, 551.072, 551.074, and 551.076.]

**RECONVENE:**

[At 9:17 p.m Mayor Earwood reconvened into regular session.]

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**CM Holland moved, seconded by Mayor Pro Tem Crews, to authorize Mayor Earwood and legal counsel to settle the civil penalty agreement at the property located at 1205 Churchill. All voted "Aye."**

**ADJOURN:**

35. ADJOURN

CM Holland inquired about the discrepancy in the number of warrants issued that was mentioned in a previous meeting. CS Gregory reported that staff continues research and will report back to the Council.

CM Holland mentioned an item on the Community Center monthly reported related to alcohol. CS Gregory replied that the deposit was not returned for a rental at which alcohol was served.

CM Gordon gave a reminder of the Storm Symposium on Thursday February 28, 2013 at the Community Center at 7:00 p.m.



CM Gordon thanked the Fire Department for the annual banquet and she congratulated Steve Sanders for receiving the Officer of the Year Award.

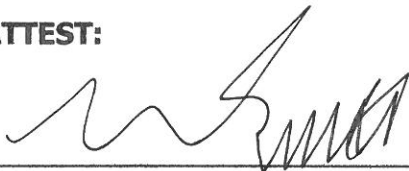
PC Carter announced that the Police Department Banquet would be held on March 22, 2013.

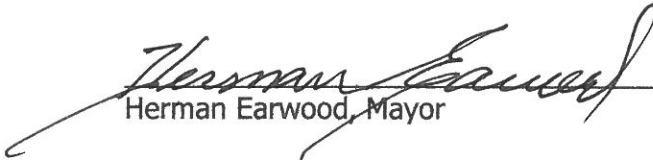
Mayor Earwood recognized Fabian Neathery for completing the code enforcement class and passing the exam to become a Registered Code Enforcement Officer.

**At 9:22 p.m. Mayor Pro Tem Crews moved, seconded by CM Gordon to adjourn the meeting. All voted "Aye."**

**APPROVED:**

**ATTEST:**

  
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Marvin Gregory, City Secretary

  
Herman Earwood, Mayor