

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 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
FIRE CHIEF RON SHORT
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
OFFICE MANAGER PAULA LUCK
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY STEVE WOODS

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, April 24, 2012 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:

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 ~~MARCH 27, 2012~~ April 10, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING APRIL 24, 2012
- C. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE CAREY ERVIN AS A HEAVY EQUIPMENT OPERATOR
- D. APPROVAL OF 2ND QUARTER E.D.C. FINANCIAL REPORT
- E. APPROVAL OF 2ND QUARTER CCPD FINANCIAL REPORT

F. APPROVAL OF 2ND QUARTER INVESTMENT REPORT

G. APPROVAL OF DISBURSEMENT OF E.D.C. FUNDS FOR THE B.I.G. IMPROVEMENT GRANT AT 5177 RIVER OAKS BLVD. FOR PRINT & SIGN DESIGN

H. APPROVAL OF MAYOR'S RECOMMENDATION FOR THE HIRING OF CINDY KARLE AS FULL-TIME DISPATCHER IN POLICE DEPARTMENT

Mayor Pro Tem Gordon pointed out that the minutes were from the April 10, 2012 meeting instead of the March 27, 2012 meeting.

Mayor Pro Tem Gordon, seconded by CM Crews, to approve consent agenda items A, B, C, D, E, F, G, and H with the noted correction. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 THE 2010-2011 FISCAL YEAR AUDIT REPORT AS REPORTED BY WILLIAM SPORE, CPA

Bill Spore, CPA, summarized the 2010-2011 Fiscal Year Audit report. Mr. Spore stated that he would return at the next regular meeting to allow the Council two weeks to review the document. CM Holland requested that the management letter be reviewed by the Finance Committee and presented to the Council. Mr. Spore stated that he would also include a proposal letter for the upcoming FY audit.

No action was taken.

8. CONSIDER ACTION REGARDING CITIZEN COMPLAINT OF RENA GOING AT 5605 JAMES DR. REGARDING SUNDAY WATERING SCHEDULE AND CODE VIOLATIONS AT 5609 JAMES DR.

Ms. Goings was unable to attend the meeting and had requested this item be postponed until the next regular meeting on May 8, 2012.

Mayor Earwood requested that any code violations be corrected through the code enforcement department. Mayor Earwood added that the City could not get involved in civil matters unrelated to the authority of code enforcement.

CM Crews mentioned that the citizen had also requested that the Sunday watering allowance be changed to another day.

No action was taken.

9. CONSIDER ACTION REGARDING CITIZEN COMPLAINT OF JUDY MARTIN STOCKDALE AT 1709 HILLSIDE DR. REGARDING DRAINAGE PROBLEMS IN YARDS

Michell Park Hill was present to request assistance from the City to alleviate drainage issues on Hillside. Ms. Hill stated that her yard is consistently drenched and she is concerned that she could receive a citation from the City for failure to mow her lawn. Ms. Hill added that her property and the property of her neighbors are being damaged by this drainage. Ms. Hill stated that the french drain and sunk pump that she has added is not sufficient to handle the drainage. Ms. Hill stated that the standing water is a breeding ground for mosquitos. Ms. Hill mentioned the H.O.M.E. project through HUD. Attorney Woods pointed out that the Texas Constitution prohibits the City from spending public funds that benefits individuals. Attorney Woods stated that a drainage engineer could be obtained by the property owner. Ms. Hill asked if the City could assist with the curbing. Mayor Earwood stated that he and PWD Hatley would visit the property and assist if possible.

No action was taken.

10. CONSIDER APPROVAL OF THE EXPENDITURE OF LIBRARY DOLLAR DONATIONS PROPOSED TO BE EXPENDED FOR RENOVATIONS TO THE SERVICE CHECK-OUT DESK

Mayor Earwood presented the request of the Library to install a more secure check out area.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the expenditure of Library Dollar Donations proposed to be expended for renovations to the service check out desk in the amount of \$8,780. All voted "Aye."

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

- i. DANCE SHOW---MAY 26
- ii. DISCUSS POLICIES AND PROCEDURES FOR CIVIC RENTALS

Shirley Wheat and Shirley Bloomfield (CC Directors) requested to change the previously requested dance show to a dance recital. The dance instructor would like to host a dance recital centered on American patriotism on May 26, 2012 at 7:30 p.m. A door fee would be charged. No opposition was voiced.

CS Gregory agreed to draft a simple contract as requested by CC Directors.

CC Directors requested direction related to the rental policy for civic organizations. CC Directors described an event in which the dance class was cancelled by a civic group. The civic group rented a portion of the building during a specific time frame but arrived earlier for set up.

CM Crews stated that CCDAC rented the building and was not informed of any simultaneous events. CM Crews requested that this issue be resolved outside of the Council Meeting. CM Crews stated that the dance class could not be held at the same time due to a noise disturbance. Much discussion occurred related to where the responsibility lies to assure that rentals are aware of simultaneous events when only a portion of the building is rented,

specifically if the events may not feasibly co-exist. CC Directors explained that it is not feasible to recite the entire policy to each rental and certain important areas of the agreement are highlighted for convenience. Attorney Woods suggested that a noise clause be added to the policy. Nancy Crews stated that during another event she had requested that the dance teacher reduce the volume of the music, which she did but the noise was still disturbing. CC Directors expressed concern that they are being "micro-managed". Council Members agreed that the directors should have the authority to conduct daily business and only problems or extra-ordinary issues should be presented to CS Gregory and then to the Council. Council Members requested a monthly calendar be presented at the second Council Meeting of each month that outlines the next month's activities and events. It was decided that the noise clause is not necessary at this time. Mayor Earwood stated that he is requesting that CCDAC and LYSA be considered city groups at the next regular meeting of the City Council.

No action was taken.

12. CONSIDER APPROVAL OF BIDS RECEIVED ON THE SALE OF SUBSTANDARD PROPERTY AT 1129 ST. EDWARDS ST.

Charles Brady, representative for Purdue, Brandon, Fielder, Collins, and Mott, LLP, reported that the bid was advertised in both the River Oaks News and the Commercial Recorder. One bid was received for \$5,500. Mayor Earwood asked if this property could be re-advertised with some school property. Mr. Brady stated that he would speak with CISD Superintendent Jones and proceed with his approval.

CM Holland moved, seconded by Mayor Pro Tem Gordon, to deny the bid received for the property at 1129 St Edwards. All voted "Aye."

13. CONSIDER APPROVAL OF JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY ELECTIONS

CS Gregory stated that the only change from previous elections agreements is the cost which is \$6,167.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve the joint election agreement and contract for election services with Tarrant County Elections. All voted "Aye."

14. CONSIDER APPROVAL OF RECOMMENDATION FROM THE FIRE MERGER COMMITTEE

Mayor Pro Tem Gordon stated that there is no change to report. Mayor Pro Tem Gordon requested that this item be removed from future agendas until further notice.

No action was taken.

15. DISCUSSION AND/OR ACTION ON SITE PLAN APPROVAL AND CERTIFICATE OF OCCUPANCY PERMIT APPROVAL FOR THE ICE HOUSE INSTALLED BY KINGDOM ICE ON THE COMMERCIAL PROPERTY AT 4817 RIVER OAKS BLVD

CS Gregory stated that the business owner of Kingdom Ice was reluctant to cover the entire roof as requested but agreed to the request if additional time was given. The owner has requested until June 15, 2012 to install the cover but would like a permanent certificate of occupancy at this time.

Mayor Pro Tem Gordon moved, seconded by CM Holland, to allow the owner until June 15, 2012 to install the roof cover and to operate under a temporary certificate of occupancy until compliance is met. All voted "Aye."

16. CONSIDER APPROVAL OF MID-YEAR 2011-2012 FY CITY BUDGET REPORT AS PRESENTED BY CITY SECRETARY

CS Gregory presented the mid-year 2011-2012 budget review with a change to remove \$600 for Community Center events. CS Gregory requested a budget expansion \$69,318 to the general fund budget. CS Gregory stated that the Crime Control and Prevention (CCPD) budget is not complete at this time due to the purchase of new vehicles. CM Holland requested that Staff inquire about an increase in revenue with Tarrant Appraisal District.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the mid-year 2011-2012 FY City Budget Report excluding the Crime Control and Prevention District Budget and subtracting the \$600 for Community Center events as presented. All voted "Aye."

CM Holland requested that CS Gregory communicate to the department heads the necessity to control spending.

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

17. CONSIDER APPROVAL OF **ORDINANCE # 922-2012** AMENDING THE 2011-2012 FISCAL YEAR BUDGET FOR THE CITY OPERATIONAL BUDGETS.

Mayor Pro Tem Gordon moved, seconded by CM Holland, to approve Ordinance #922-2012 as amended. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 725-2012** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2011-2012 FISCAL YEAR BUDGET FOR PROJECT RELATED TO BUSINESS ENTERPRISE THAT CREATES OR RETAIN JOBS WITH QUIK TRIP CORPORATION AS QUALIFIED FOR A PROJECT MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution #725-2012. All voted "Aye."

19. CONSIDER APPROVAL OF **RESOLUTION # 726-2012** SUPPORTING REGIONALIZATION OF WATER CONSERVATION BY THE MAYOR'S COUNCIL OF TARRANT COUNTY

It was stated that this ordinance conforms to Tarrant County Mayor's Council recommendations.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution #726-2012. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE # 923-2012** ON AMENDING THE PROVISIONS OF UTILITY BILLING FOR MULTIPLE UNITS AS PROVIDED FOR IN THE CODE OF ORDINANCES IN SECTIONS 13.02.111, 13.03.014 AND 13.04.014

CS Gregory presented the ordinance with the proposed recommendations from the previous Council Meeting. No additional comments or recommendations were made.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #923-2012. All voted "Aye."

21. CONSIDER APPROVAL OF **RESOLUTION # 727-2012** REVIEWING ANNUALLY THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE) OF THE CITY OF RIVER OAKS.

CS Gregory stated that there are no changes to this policy.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve Resolution #727-2012. All voted "Aye."

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

Inspector Sanders gave the following updates on substandard properties:

- 1129 ST. EDWARDS – This property was discussed under agenda item #12.
- 5314 ½ AMHERST – Bids have been received for the demolition of the accessory structures. The water supply that currently supplies both the main house and the accessory structure must be split prior to demolition. CS Gregory added that Staff is working with the City Attorney to insure that all legal requirements are met prior to demolition.
- 1205 CHURCHILL – Staff has informed Wells Fargo that if the work has been completed, permits must be obtained.
- 1409 LAWRENCE – This is a bank owned property that has been assessed civil penalties by the City Council. No change or contact to report.

- 4525 ALMENA – This is a bank owned property. No progress to report. This property will be presented to the City Council in May to consider the assessment of civil penalties.
- 5519 Notre Dame –The structures on this property has been demolished.

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

- 1712 LAWTHORP – Christmas in Action had been working with the owner of this property to obtain compliance. This property will be presented to the City Council in May for an order.
- 5414 BAYLOR – This property is near complete compliance with only the air conditioning unit and a certificate of occupancy remaining.
- 720 WINTERS – There is an active permit that expires on June 7, 2012.
- 4824 SHERWOOD – No recent inspections or contact to report.
- 1616 LAURA – Released with an approved certificate of occupancy.
- 715 ISBELL – Continual progress with permits expiring in May.

Mayor Pro Tem Gordon mentioned a property at Miller and Yale that has had a blue sheet covering the roof for over a year. Inspector Sanders stated that he would inspect this property.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

24. 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.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

28. **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.

29. **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.

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

No discussion or action.

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

No discussion or action.

32. **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.

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

No discussion or action.

34. **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:

35. 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**

CS Gregory gave a reminder of Clean Up Day on April 28, 2012 from 9:00 am until 2:00 p.m. at John Knox Presbyterian Church.

Mayor Earwood mentioned the Community Luncheon that featured CISD Superintendent Gary Jones as the speaker.

PC Carter stated that once the two new officers are trained, a detective will be chosen.

PC Carter reported that the animal control officer spotted suspicious activity that led to the arrest of some burglary suspects.

CM Crews presented a slide show presentation on the dredging project of Lake Worth.

CM Crews mentioned an open house event at the Naval Air Station on May 12, 2012 at 7:00 p.m.

Mayor Earwood mentioned that the future of military bases could include off-site facilities such as the commissary, bowling alley, and movie theatre.

CM Crews stated that the Planning for a Livable Military Community will meet at the Community Center in the summer.

Shirley Minter inquired about the progress of Quik Trip coming to River Oaks. Mayor Earwood replied that the Caravan Inn has until May 10, 2012 to vacate and Quik Trip anticipates immediate action following that evacuation.

Steve Sanders, LYSA President, thanked the Council and the Park Board for the wind screening and railing at McGee Park. Sanders reported that LYSA has 120 games scheduled at McGee Park this season.

Lynda Lytle, 5418 Purdue, thanked Staff for removing the tree on the vacant property adjacent to hers. Ms. Lytle mentioned another tree limb that had fallen onto a sapling, and requested that it be removed as well. CS Gregory reported that code enforcement is in the process of abating a dead tree on the vacant lot. PWD Hatley stated that staff would investigate and remove the tree if it is a danger to the public.

EXECUTIVE SESSION:

36. 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.
- d. Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

38. ADJOURN

At 9:58 p.m. Mayor Pro Tem Gordon moved to adjourn the meeting.

CM Holland requested that Staff inquire with the court clerk the reason for the increase in court revenue.

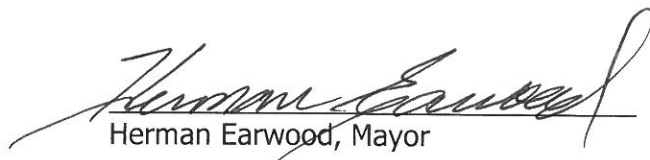
Mayor Earwood stated the CM Butler had experienced an issue with high blood pressure at the Community Luncheon. Mayor Earwood added that a guest at the luncheon was experiencing chest pain but refused medical treatment or transportation to the hospital. Mayor Earwood stated that he introduced this guest to the MedStar program. Mayor Earwood stated that the Fire Department assisted the guest to her home.

CM Butler seconded the motion. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary


Herman Earwood, Mayor