

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 14, 2013**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD (AT 7:07 P.M.)
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
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICER MANAGER PAULA LUCK
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
POLICE CHIEF AVIN CARTER
INTERIM FIRE CHIEF CHRIS HAWKINS
RECORDING SECRETARY SUSAN STEWART

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Crews called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, May 14, 2013 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

CM Ashton led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR

- WEEK OF MAY 19–25, 2013, AS EMERGENCY MEDICAL SERVICES WEEK

Mayor Pro Tem Crews presented a proclamation declaring May 19 – May 25, 2013 as Emergency Medical Services Week to Matt Zavadsky, MedStar Director or Public Affairs.

5. ANNUAL MEDSTAR UPDATE

Matt Zavadsky, Director of Public Affairs, presented the annual MedStar update.

[At 7:07 p.m. Mayor Earwood arrived and assumed the role of presiding officer.]

6. 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.**

- A. MINUTES OF REGULAR COUNCIL MEETING APRIL 23, 2013
- B. BILLS PAYABLE FOR PERIOD ENDING MAY 14, 2013

- C. APPROVAL OF CERTIFICATION PAY AGREEMENT WITH CELINA MORENO
- D. APPROVAL OF RESIGNATION OF CINDY KARLE AS POLICE DISPATCHER
- E. RATIFY MAYOR'S RECOMMENDATION TO PROMOTE CHRIS HAWKINS TO FIRE CHIEF FROM INTERIM FIRE CHIEF.

CM Butler moved, seconded by CM Gordon, to approve consent agenda items A, B, C, D, and E. All voted "Aye."

7. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

None.

8. CONSIDER APPROVAL OF RESOLUTION **NO. 767-2013** CANVASSING ELECTION RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 11, 2013 FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS PLACES 1 AND 3

CS Gregory read the official canvass report of the May 11, 2013 general election as follows: For Council Member Place 1 – JoAnn Butler 258 total votes and Sherrie Uptmore-Dast 162 total votes; For Council Member Place 3 – Joe Crews 277 total votes.

CM Ashton moved, seconded by CM Holland, to approve Resolution #767-2013 canvassing the election returns for the general election on May 11, 2013. All voted "Aye."

8. CONSIDERANDO LA APROBACION DE LA RESOLUCION **NO.767-2013** SONDEANDO LAS DEVOLUCIONES DE LA ELECCION Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL QUE SE LLEVO A CABO EL 14 DE MAYO DEL 2013 PARA EL PROPOSITO DE ELEGIR LOS LUGARES 1 Y 3 PARA CONSEJALES DE LA CIUDAD

SC Gregory leyó el informe oficial del sondeo del 11 de Mayo del 2013 de la elección general de la siguiente manera: Para Miembro del Consejo Lugar 1 – JoAnn Butler total de 258 votos y Sherrie Uptmore-Dast total de 162 votos; Para Miembro del Consejo Lugar 3 – Joe Crews total de 277 votos.

MC Ashton hizo la moción, secundada por MC Holland, para aprobar la Resolución #767-2013 sondeando los resultados de la elección general del 11 de Mayo del 2013. Todos votaron "Si".

9. STATEMENT OF ELECTED/APPOINTED OFFICIALS, "OATH OF OFFICE" AND CERTIFICATE OF ELECTION FOR CITY COUNCIL MEMBERS PLACES 1 AND 3

CS Gregory administered the Statement of Elected Official and the Oath of Office to JoAnn Butler and Joe Crews.

9. DECLARACION DE LOS OFICIALES ELEGIDOS/DESIGNADOS, "JURAMENTO DE OFICIO"
Y CERTIFICACION DE LOS CONSEJALES DE LA CIUDAD LUGARES 1 Y 3

SC Gregory administro la Declaración del Funcionario Electo y el Juramento del Puesto a JoAnn Butler y a Joe Crews.

10. ADJOURN

[At 7:30 p.m. Mayor Earwood adjourned the meeting for a brief reception.]

11. RECONVENE INTO REGULAR SESSION WITH APPOINTED COUNCIL MEMBERS SEATED

[At 7:49 p.m. Mayor Earwood reconvened into regular session.]

12. CONSIDER ELECTION OF A MAYOR PRO-TEMPORE FOR THE 2013-2014 TERM YEAR

Secret ballots were passed to CS Gregory who announced the results as follows: 2 votes for Joe Crews and 3 votes for JoAnn Gordon.

Mayor Earwood announced that JoAnn Gordon would serve as Mayor Pro tem.

12. CONSIDERANDO LA ELECCION DE EL SUPLENTE DE EL ALCALDE PARA EL PERIODO DE
LOS AÑOS 2013-2014

Las votaciones secretas fueron dadas al SC Gregory quien anunció los resultados de la siguiente manera; 2 votos para Joe Crews y 3 votos para JoAnn Gordon.

El Alcalde Earwood anunció que JoAnn Gordon servirá como Sub-Alcalde.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL TO RENEW CONTRACT AT A 2.1% INCREASE FOR COMMERCIAL
WASTE DISPOSAL WITH PROGRESSIVE WASTE SOLUTION

Norm Bulaich, representative for Progressive Waste Solutions, was present to request an automatic contract renewal and a rate increase of 2.1% as allowed by the contract for commercial waste removal. The rate increase is based on the percentage change in the Consumer Price Index for the Dallas/Fort Worth area.

CM Gordon moved, seconded by CM Butler, to renew the contract at a 2.1% increase for commercial waste disposal with Progressive Waste Solution. All voted "Aye."

14. CONSIDER APPROVAL OF EMPLOYEE HEALTH, LIFE & MEDICAL INSURANCE RATES
FOR PLAN YEAR JULY 2013-JUNE 2014---PRESENTED BY DAWN BRINSON, BRINSON BENEFITS

Dawn Brinson stated that the current health insurance provider, Aetna, bid the current HMO plan at a 26.39% increase. Council Members expressed approval for the recommendation to move to United Healthcare at an 11.36% over the current rate. Council requested Brinson to

attempt to negotiate with United Health Care to bring that rate to 10% over the current rate. Ms. Brinson, summarized the benefits of the proposed plan as well as other benefits offered to employees with no additional changes recommended from the current plans.

CM Gordon moved, seconded by CM Crews, to approve the employee health, life, and medical insurance plans as recommended by Dawn Brinson of Brinson Benefits for the plan year July 2013 – June 2014. All voted "Aye."

15. CONSIDER APPROVAL OF AGREEMENT BETWEEN THE AMERICAN RED CROSS AND THE CITY OF RIVER OAKS

EMC Myrick recommended approval of the standard agreement with the American Red Cross. It was noted that the City does not currently have an agreement in place.

[At 8:39 p.m. CM Ashton left the dais.]

CM Holland moved, seconded by CM Crews, to approve the agreement between the American Red Cross and the City of River Oaks. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF **RESOLUTION # 764-2013** APPROVING THE SALE OF CERTAIN REAL PROPERTY AT 1114 OXFORD ST ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE

[At 8:42 p.m. CM Ashton returned to the dais.]

Mayor Earwood requested that the City retain the mineral rights to any properties sold for delinquent taxes.

Caleb Perkins, representative for Perdue, Brandon, Fielder, Collins & Mott LLP, presented a bid received in his office of \$1,500 for the property at 1114 Oxford. The City would receive approximately \$29.44 after court cost and distribution to the other taxing entities.

CM Holland requested that the tax attorney firm post these available properties on their website in an easily accessible area, perhaps with a link to the City's website for more information.

It was suggested that the sealed bid process be considered for future properties.

No action was taken.

17. CONSIDER APPROVAL OF **RESOLUTION # 765-2013** APPROVING THE SALE OF CERTAIN REAL PROPERTY AT 811 CHURCHILL RD. ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE

Caleb Perkins, representative for Perdue, Brandon, Fielder, Collins & Mott LLP, presented a bid received in his office of \$2,500 for the property at 811 Churchill. The City would receive approximately \$318.75 after court cost and distribution to the other taxing entities. Mr. Perkins

added that there is an additional \$682 due to the City for the 2010-12 taxes. Mr. Perkins will review the title information and include language in the Resolution retaining the mineral rights for the City if possible.

CM Holland moved to approve Resolution # 765-2013 approving the sale of 811 Churchill and requested an investigation of mineral rights to reserve for the City if possible. Motion seconded by CM Ashton. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 766-2013** APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE

Marilyn Ackman, representative for Atmos Gas, requested adoption of the Rate Review Mechanism (RRM) as recommended by the steering committee.

CM Gordon moved, seconded by CM Ashton, to approve Resolution #766-2013 approving and adopting the rate schedule "RRM – Rate Review Mechanism" for Atmos Energy and directed CS Gregory to research if this item should be approved by Resolution or Ordinance. All voted "Aye."

19. CONSIDER APPROVAL OF **ORDINANCE NO. 980-2013** AMENDING THE 2012-2013 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COURT TECHNOLOGY FUNDS

No discussion occurred.

CM Holland moved, seconded by CM Gordon, to approve Ordinance #980-2013. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE NO. 981-2013** AMENDING ARTICLE 1.05, "EMERGENCY MANAGEMENT", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY PROVIDING FOR AMENDING THE EMERGENCY MANAGEMENT PLAN; CREATING THE OFFICE OF THE EMERGENCY MANAGEMENT COORDINATOR AND PROVIDING FOR CERTAIN DUTIES THEREOF

EMC Myrick explained the requested ordinance that authorizes the Emergency Management Coordinator to work with the Police Department in the case of an emergency.

CM Crews moved, seconded by CM Butler, to approve Ordinance #981-2013. All voted "Aye."

21. CONSIDER APPROVAL OF **ORDINANCE NO. 982-2013** AMENDING ARTICLE 12.07 "OBSTRUCTIONS" SPECIFICALLY IN DIVISION 1 "GENERALLY" PROVIDING PROHIBITIONS AGAINST PORTABLE RECREATION EQUIPMENT BEING PLACED UPON ANY PUBLIC RIGHT-OF-WAY WITHIN THE CITY

Mayor Earwood stated that there are numerous basketball goals in the street that create traffic obstructions.

CM Butler moved, seconded by CM Gordon, to approve Ordinance #982-2013.

Much discussion occurred that led to a revision of the ordinance to be presented at the next regular meeting that would require equipment to be completely behind the curb including the basketball rim.

No vote occurred. Motion failed.

OTHER ITEMS REQUIRING COUNCIL ACTION:

22. DISCUSSION AND/OR ACTION ON COMMITTEE RECOMMENDATIONS FOR A DEDICATION CEREMONY FOR COMMUNITY CENTER

Mayor Earwood summarized the suggestion of the committee to mount a plaque on the wall near the entrance of the Community Center, perhaps on a red brick background like the one on the side of City Hall.

No action was taken.

23. DISCUSSION AND/OR ACTION ON LOCATING DONATED PLAYGROUND EQUIPMENT FROM CISD AT MCGEE PARK

CM Gordon moved, seconded by CM Butler, to accept the donated playground equipment for reassembly at Mc Gee Park. All voted "Aye."

PUBLIC FORUM:

24. 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

CM Holland asked the length of time that political signs can remain after an election. CS Gregory verified that election signs must be removed within 10-days of the election. CM Holland mentioned signs that appeared to be on city property. CS Gregory stated that Staff is aware of the concerns and is seeking a solution.

CM Crews pointed out that a house on Merritt has a very rare "Century Plant" that is expected to bloom soon.

EXECUTIVE SESSION:

25. 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 pending or contemplated litigation on jail incident investigation**
- 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:

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken.

ADJOURN:

27. ADJOURN

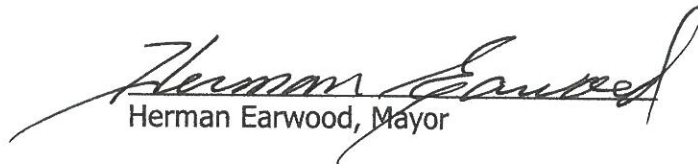
At 9:11 p.m. CM Gordon moved to adjourn the meeting. Motion seconded by CM Ashton. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor