

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 12, 2012**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO-TEM JOANN GORDON
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER R.R. "BOB" MINTER
COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF RON SHORT
OFFICE MANAGER PAULA LUCK
CITY ATTORNEY BETSY ELAM
BUILDING INSPECTOR STEVEN SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMM CENTER DIR SHIRLEY BLOOMFIELD
COMM CENTER DIR SHIRLEY WHEAT

MEMBERS ABSENT:

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, June 12, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Public Works Director Hatley delivered the Invocation.

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

James Myrick 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 MAY 22, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING JUNE 12, 2012
- C. APPROVAL OF RESIGNATION OF MARICELLA WELLS AS PLACE 3 PARK BOARD MEMBER

Mayor Pro-Tem Gordon moved, seconded by Council Member Minter, to approve consent agenda items A, B, and C 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. **DISCUSSION AND/OR ACTION ON RE-CONSIDERING AUTO ALLOWANCE AND EMPLOYEE COMPENSATION UNDER THE LOCAL GOVERNMENT EMPLOYMENT TAX REQUIREMENTS.**

During the last council meeting, council decided to have the judge's and the council's/mayor's compensation run thru the payroll system to show up on a W-2 at the end of the year. It was decided that the mileage would only be reimbursed if the council/mayor turned in a mileage report with a cap of \$100 for council and \$200 for mayor. After the meeting, more questions came up and it was requested that this item be put back on the agenda.

Member Holland suggested taking time to study this and find out what other cities are doing and have something in place on October 1st, 2012. Member Crews understood that the IRS wants this done immediately and another city has already gotten audited by the IRS. Member Holland considers this a minor risk and wants to look at different resources. Mayor Pro-Tem Gordon asked Bill Spore if the mileage is required to be turned in, is it reported on a W-2; and if mileage is not required to be turned in, is it reported on a 1099? Bill Spore explained that if there is an accountable plan, it is considered income. If it is city policy that a mileage log be turned in, the only part that is taxable is anything over what you didn't drive until you reach the maximum amount allowed.

The IRS is saying that council members are technical employees and cannot receive both a 1099 and a W-2. Mayor Earwood stated in our charter, it states elected officials cannot be an employee. Bill Spore said you will only be employees by the IRS and nothing else.

Member Holland moved, seconded by Member Butler to delay the final consideration of auto allowance and employee compensation until a recommendation is made by the Finance Committee to be in effect October 1st, 2012. All voted "Aye".

8. **CONSIDER REPEALING COUNCIL ACTION TAKEN FROM THE MAY 22, 2012 COUNCIL MEETING REGARDING COUNCIL MILEAGE REIMBURSEMENT AS REQUESTED FOR BY CM HOLLAND.**

Mayor Pro-Tem Gordon moved, seconded by Member Crews to repeal council action taken from the May 22, 2012 council meeting regarding council mileage reimbursement. All voted "Aye".

- 9. CONSIDER APPROVAL OF ENGAGEMENT LETTER FROM WILLIAM C. SPORE, P.C. FOR THE ANNUAL AUDIT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012.**

Member Holland questioned why the city has to have a yellow book audit? Bill Spore wrote that in the letter just in case it has to be done. Member Holland ordered Mr. Spore not to do a yellow book audit unless we need it.

Member Holland moved, seconded by Mayor Pro-Tem Gordon to approve the engagement letter from William C. Spore, P.C. All voted "Aye".

- 10. CONSIDER APPROVAL OF REQUEST BY JAROD O'FLAHERTY FOR PERMISSION TO USE THE COUNCIL CHAMBERS IN AN UPCOMING FILMING PROJECT.**

Jarod O'Flaherty is the director & co-producer of the film which is a church project about a child custody case. He is currently looking for locations for the court room setting. The filming will be six hours and wants to film this on a Sunday around August 12th. There will be lighting, cameras and actors and actresses on the set. There will be nothing at all showing it is River Oaks. Jarod will offer a 25% discount off of website services. Currently he is trying to use Johnson County Court house. River Oaks will only be a backup if they are unable to use Johnson County. Mayor Earwood said if it is after hours, Jarod will have to pay for a staff member being here.

Member Crews moved, seconded by Mayor Pro-Tem Gordon to approve Jarod O'Flaherty using the council chambers in an upcoming filming project. All voted "Aye".

- 11. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH JAROD O'FLAHERTY OF FLYROCK MEDIA TO DESIGN AND DEVELOP POLICE DEPARTMENT WEBSITE AND TO MAKE CHANGES TO THE CITY'S WEBSITE.**

CS Gregory stated the Police Department's website is thru I-Power and is out dated. He would like all the websites to use one hosting company. Currently the city is with FlyRock Media. Jarod will rebuild the police website. As far as the city's website changes, we would like to be able to send out mass emails to save on paper. The total cost would be \$2,150. Jarod stated the Police Department is currently paying for I-Power. The city is paying about \$54 a month for the web hosting thru FlyRock Media which will be a little more per month than the Police Department's site. The Police Department and the City's website will be kept separate from each other.

Member Butler moved, seconded by Mayor Pro-Tem Gordon to enter into an agreement with Jarod O'Flaherty of FlyRock Media. All voted "Aye".

12. DISCUSSION AND/OR ACTION ON POLICE CHIEF RECOMMENDATION REGARDING ESTABLISHING A SCHOOL ZONE AND KEEPING THE 4500-4600 BLOCKS OF BARBARA RD. A TWO-WAY STREET AT ALL TIMES WITH TIME LIMITED PARKING PURSUANT TO CHAPTER 12 "TRAFFIC AND VEHICLES" OF THE RIVER OAKS CODE.

Member Crews abstained from this item.

Police Chief Carter feels keeping it a two-way road on Barbara is the best thing. If this is made a one-way street, traffic will bottle neck in one area. All of the traffic will be funneled down to eastbound on Barbara Road. There will be a driveway on Barbara Road and one on Isbell Road. CISD and our Police Officers want it one-way at all times. Having it kept a two-way road, this would allow people to either turn left or right on Barbara Road. River Oaks Police Officers will be there to monitor the traffic and if needed, we can change our plan. Regardless of what we do, there will be a 20-30 minute problem in the morning and afternoon. Mayor Earwood feels there will be a lot of kids walking to school since they live on that side of the Blvd. Member Holland suggests trying it as a two-way and to not put up signage until a final decision is made. Fort Worth will furnish two crossing guards and River Oaks will furnish two. The two guards that are currently on River Oaks Blvd will be moved to the new school.

As for the flashing lights, we will need two; or we can use school zone signs; or we can use flashing signs. These signs/lights will only flash in the morning and the afternoon; not all day.

Police Chief Carter suggests no parking signs on both sides of Barbara Road only from 7 am-8:30 am and 2:45 pm-3:45 pm.

Also Carter wants to extend the school zone on Churchill.

Carter would also like to install a stop sign at the corner of Barbara and Springer to replace the yield sign.

Carter would also like sidewalks from Springer to Churchill and from Springer to Isbell.

Also needed next to the creek are better guard rails and have guard rails on both sides of the creek. CS Gregory stated the guard rails are inexpensive; but the sidewalks are expensive. The school might pay for half of the sidewalk expense.

Carter recommended that the school zones on Churchill in front of the Middle School and High School to be made only a school zone in the morning and afternoon; not all day.

Member Holland moved, seconded by Member Minter to leave Barbara Road a two-way street and monitor it when school starts, to the changing of all the school zones, and to use flags for now instead of installing signs. All voted "Aye".

13. CONSIDER APPROVAL TO WAIVE PARKING REQUIREMENTS DURING THE NEW CONSTRUCTION AND PLANNED IMPROVEMENTS OF THE PROPERTY AT CASTLEBERRY ELEMENTARY SCHOOL.

CS Gregory stated they construction company is wanting to use the northeast end of the school for parking by the construction workers which is an unpaved surface.

Mayor Pro-Tem Gordon moved, seconded by Member Butler to waive parking requirements during the new construction and planned improvements of the property at Castleberry Elementary School. All voted "Aye".

14. CONSIDER APPROVAL TO EXPEND FUNDS FROM COURT SECURITY AND/OR COURT TECHNOLOGY IN ORDER TO FUND COURTROOM IMPROVEMENTS.

Herman stated the court judge did not like the design. Member Crews feels the design would work great for council but not for court. Mayor Pro-Tem Gordon stated with this new design, they would be able to see the council and the audience better. She thinks moving the door to the center and having the same number of chairs on each side is a great idea. Member Crews noted the cost listed is for construction only. There will be a cost for the mechanical part of the project which might be about the same as the construction cost. Mayor Pro-Tem mentioned that built in monitors or I-pads would be nice instead of the laptops. Member Holland explained to the audience on what we can spend the Court Technology and Security Fees on.

Mayor Pro-Tem Gordon moved, seconded by Member Butler to instruct staff to get realistic prices and to get the final designs. All voted "Aye".

15. CONSIDER APPROVAL OF RESOLUTION #733-2012 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO MAKE APPLICATION WITH N.C.T.C.O.G. FOR A GRANT TO ESTABLISH A RECYCLING PROGRAM.

PWD Hatley updated the council on the recycling program. He passed out a survey and information from the survey to the council. There were 60 people who attended the community forum. Most people made comments about having recycling stations around the city. PWD Hatley recommends asking for the bins. The grant will pay for everything including sending out educational information. Currently there is 1.2 million of the grant available. Most residences are fine with a one-time start up charge; but they do not want to see a monthly charge on their water bill. The plan is to start by picking them up every two weeks. The program will be for one year. Mayor Earwood thinks the more we recycle, the more monies we will save on our landfill bill; but we will not save money on the maintenance of our vehicles. Business Owner Darren Houk suggested the city needs to think about how they are going to enforce any issues. Mayor Pro-Tem Gordon sees sometime in the future, we will be forced to recycle. She suggests starting now is a wonderful idea because in the future, it will be city wide and not voluntary.

Mayor Pro-Tem Gordon moved, seconded by Member Crews to approve Resolution #733-12 authorizing PWD Hatley to make application with N.C.T.C.O.G. for a grant to establish a recycling program. All voted "Aye".

16. CONSIDER APPROVAL OF AN OUTSIDE RECREATIONAL RENTAL ON THE COMMUNITY CENTER PROPERTY.

Community Center Director Shirley Wheat stated there is a lady that wants to start a sand volleyball league and use our volleyball court. Currently there are not criteria set up for an outside rental only. The league wants to charge everyone to play; which can be used for the rental fee. PWD Hatley feels the maintenance is mainly clean up, weeding the court out, and periodically tilling the sand up. Steven Sanders with LYSA has a contract with McGee Park and pays \$25 to rent the ball field in the evening with no lights.

Member Crews moved, seconded by Mayor Pro-Tem Gordon to approve the use of the outside recreational rental with charging \$25 for 4 hours of use. All voted "Aye".

17. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND TO RENT THE RODEO RIDES GROUP FOR THE ALL AMERICAN FESTIVAL.

Community Center Director Shirley Wheat presented CS Gregory with the rodeo's insurance. The city will need to pay \$100 down and \$800 at the end. They are going to charge \$5 for a ride. The rodeo group is bringing a horse and a bull; and there is a no rain out policy.

Mayor Pro-Tem Gordon moved, seconded by Member Minter to expend \$900 from the Community Center dollar donation fund to rent the rodeo rides group for the All American Festival. All voted "Aye".

18. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR DONATION FUND FOR ADDITIONAL COSTS ASSOCIATED WITH THE ON-GOING LIBRARY IMPROVEMENTS.

The flooring was not included in the original cost of the project.

Member Crews moved, seconded by Member Butler to expend funds from the Library dollar donation fund for additional costs associated with the on-going library improvement and with the whole cost of this project to come out of the dollar donation account. All voted "Aye".

19. CONSIDER APPROVAL OF CURB REPLACEMENT PROGRAM ON ALMENA RD. AS PRESENTED BY PWD JAMES HATLEY.

PWD Hatley asked for three quotes but only received two. General Concrete is \$65,450 and J Lopez is \$35,689. There will be 256 approaches and 2,308 feet of curbing. General Concrete will do the entire haul off. J Lopez asks the city to do the entire haul off. J Lopez has worked with the city in the past on projects and has done a great job.

Member Crews moved, seconded by Member Butler to accept J Lopez in the amount of \$35,689 to install the curbing and approaches on Almena Road. All voted "Aye".

20. DISCUSSION AND/OR ACTION REGARDING STAFF UPDATE ON THE FINAL CERTIFICATE OF OCCUPANCY INSPECTION FOR PROPERTY ZONED PLANNED COMMERCIAL "PC" AT 1917 ROBERTS CUT OFF RD. OPERATED AS A NURSERY PURSUANT TO ORD. #900-2011.

Building Inspector Sanders went over the issues that are still remaining:

- A waste container (dumpster) must be on a concrete pad, which they have and have screening around it. Currently there is no dumpster.
- Must have at least two spaces for parking (one-handicapped and one-regular)
- Trees and plants are being used as signage. They need to be brought behind the fence at night.

Currently there is not an approved certificate of occupancy. Mayor Pro-Tem Gordon stated Mr. Orand chooses not to comply with the site plan that he agreed upon. He chooses not to finish the project in a timely manner. He stores trees outside the fence area and there is an issue with storing pots.

Police Chief Carter met with Mr. Orand in regards to the traffic plan. The problem is the 18 wheelers being able to use the circular driveway. Also problems are the trees and plants in the easement. Neighbors cannot see when they are pulling out of their driveways. Member Crews remembers giving Mr. Orand an extra month to get the project complete. There is always an excuse on why he cannot get the project complete. And there is always an excuse for him using Howard Bittle's property. Building Inspector Sanders has issued notices to both Mr. Orand and Mr. Bittle about Bittle's property. Member Crews recommends issuing citations for him not complying. Building Inspector Sanders met with Mr. Orand about two weeks ago and was told money has been an issue with him not being able to complete the project faster. Mayor Earwood suggests warning him that the property has to be cleaned up within a week or citations will be issued. Council agreed that citations will be issued for operating without an approved Certificate of Occupancy and also for each violation that is violated.

No action was taken.

21. DISCUSSION AND/OR ACTION REGARDING STAFF UPDATE ON THE FINAL CERTIFICATE OF OCCUPANCY INSPECTION UNDER THE SITE PLAN APPROVAL FOR Q-TEL D/B/A KINGDOM ICE ON THE PROPERTY AT 4817 RIVER OAKS BLVD. OPERATED AS AN ICE HOUSE.

CS Gregory said Kingdom Ice has until June 15th, 2012 to comply or he will not get a final Certificate of Occupancy.

22. CONSIDER APPROVAL FOR REGISTRATION OF COUNCILMAN CREWS IN EMPLOYMENT LAW 2012 IN FORT WORTH ON AUGUST 21, 2012.

Member Crews feels the information in this seminar can be helpful to the council especially with some of the issues they are currently facing. Mayor Earwood told CS Gregory and Office Manager Luck to attend. Member Butler feels because we saved money by not attending TML, Member Crews should be able to attend. Mayor Pro-Tem Gordon felt this seminar didn't apply to elected officials; and there was no need for Member Crews to attend when two staff members are attending. Member Crews mentioned at the time he requested to attend, staff was not going to the seminar.

No action was taken due to a lack of motion.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

23. PUBLIC HEARING CONTINUED FROM MAY 8, 2012: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1712 LAWTHER.

Ron Tovar with Christmas in Action said the windows, roof and trim are installed. In about two weeks, they should be able to paint.

At 9:43 pm, Mayor Earwood closed the Public Hearing.

24. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1712 LAWTHER DR. THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLORING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.

Member Butler moved, to find that the building located at 1712 Lawther Drive based on evidence presented at this hearing, is substandard and:

1. That the conditions set forth in the Building Official's report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and
2. That the building(s) is/are feasible of repair and therefore order the building to be repaired by the owner within 60 days and the Lienholder or Mortgagee to within an additional 30 days if the owner does not comply; and
3. The board orders commencement of the repairs within 30 days and has established specific time schedules with the Owner or Mortgagee for the repair; and
4. Order that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the owner and the debris removed within 60 days or by the Lienholder or Mortgagee to within an additional 30 days if the owner does not comply and further find that if the building is not repaired within 60 days, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional

time is given. If the building is not repaired within 60 days in full conformance with Section 3.07.004 of the River Oaks Code of Ordinances (2006), the building shall be demolished.

5. Order that the substandard fee of \$150.00 and all permit fees is waived since the repairs are being made under the Christmas in Action Program.

Seconded by Mayor Pro-Tem Gordon CONTINGENT ON REMOVING THE REFERENCES TO DEMOLISHING. All voted "Aye"

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

25. CONSIDER APPROVAL OF RESOLUTION NO. 734-2012 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro-Tem Gordon moved, seconded by Member Crews to approve Resolution No. 734-2012. All voted "Aye".

26. CONSIDER APPROVAL OF ORDINANCE NO. 927-2012 AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM LIBRARY DOLLAR DONATIONS.

Mayor Pro-Tem Gordon moved, seconded by Member Butler to approve Ordinance No. 927-2012 in the amount of \$9,630.00. All voted "Aye".

STAFF REPORT:

27. REPORT BY CS GREGORY ON REVENUES AND AD-VALOREM TAXES COLLECTED ON THE CITY'S MINERAL LEASES.

CS Gregory said we have all together collected \$178,436.57. After the expense of the path & retaining wall for the BMX trail, the balance is \$133,461.20. Chesapeake was the top ten taxpayer in the city in 2011.

PUBLIC FORUM:

28. 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.

Mayor Earwood mentioned that they are still working on the abatement at the Caravan Hotel. Mayor Earwood also mentioned the canvassing and swearing in for the election will be on June 28th, 2012 at a Special Called Meeting.

Member Holland mentioned TXDOT is putting out no parking signs in the right of way. He asked CS Gregory how to access the Code of Ordinances online and asked if they are updated regularly. Member Holland also asked about the status of the Habitat for Humanity house at 1201 Oxford.

EXECUTIVE SESSION:

29. 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

None Called For.

RECONVENE:

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

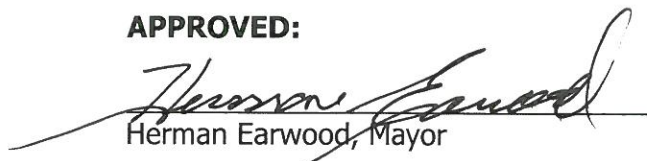
31. ADJOURN

At 10:04 pm, Mayor Pro-Tem Gordon moved, seconded by Member Butler to adjourn the meeting. All voted "Aye".

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor