

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 26, 2012**

MEMBERS PRESENT:

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

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD (PERSONAL)
COUNCIL MEMBER STEVE HOLLAND (PERSONAL)

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
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Pro tem Gordon called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, June 26, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Crews delivered the Invocation.

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

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

4. READING OF PROCLAMATION(S) BY MAYOR:

None.

Mayor Pro tem Gordon announced that this meeting would be the last meeting for Council Member Bob Minter after 32 years of service to the City.

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 JUNE 12, 2012

B. BILLS PAYABLE FOR PERIOD ENDING JUNE 26, 2012

CM Crews moved, seconded by CM Butler, to approve consent agenda items A and B 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 REQUEST BY ROYCE SHIELDS FOR CITY TO BUDGET AT LEAST ONE CAR SHOW ANNUALLY.

Royce Shields, 709 Winters, requested the reoccurring consideration to include at least one car show in the annual budget at a proposed cost of \$500 per show.

CM Butler moved, seconded by CM Minter, to approve the request of Royce Shields to recommend at least one car show annually as a budgeted item. All voted "Aye."

8. CONSIDER APPROVAL OF CONTRACT AGREEMENT WITH THE SENIOR CITIZEN SERVICES OF GREATER TARRANT COUNTY FOR CONGREGATE MEAL PROGRAM.

CS Gregory explained that staff cannot find evidence of a contract with Senior Citizen Services of Tarrant County for the senior meals on Wednesday from previous years. CM Crews stated that the City has signed this contract each year. CM Crews requested that the contract be change to state "River Oaks Community Center" instead of "River Oaks Senior Center".

CM Crews moved, seconded by CM Minter, to approve the agreement between Senior Citizen Services and the Community Center for the Wednesday meal for seniors.

9. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE CITY'S MINERAL REVENUES IN ORDER TO CONSTRUCT A SIDEWALK ALONG BARBARA ROAD FROM ISBELL WEST TO ITS INTERSECTION WITH PALMETTO.

[CM Crews left the dais, having filed a conflict of interest form with the City Secretary.]

PWD Hatley cited quotes to install a sidewalk on Barbara Road near the cross walk at Palmetto to Isbell. Staff received a quote from Mr. Lopez of \$11,700. Staff received a quote from Raydon of \$19,024.

Mayor Pro tem Gordon recommended that the school district pay half the cost of the sidewalk. CS Gregory stated that the school may have a conflict in approving the expenditure or funds since this is not on school property. Mayor Pro tem Gordon pointed out that pedestrians coming from Churchill would have to walk down Barbara in the street until the side walk begins. CS Gregory recommended the sidewalk begin at Churchill and continue to Springer, leaving out the portion from Springer to Isbell.

Nancy Crews, 4650 Barbara Road, spoke in opposition of the sidewalk from Springer to Isbell due to a concern with school children walking near the creek.

Kelly Hooper mentioned a concern about bikes near the creek.

PC Carter suggested that the sidewalk go from Churchill to Isbell. CS Gregory stated that the cost would escalate to approximately \$18,000-\$20,000 for a sidewalk from Churchill to Isbell. Kelly Hooper spoke in favor of the full sidewalk from Churchill to Isbell.

CM Butler spoke in favor of the sidewalk from Churchill to Springer due to that portion of Isbell being used commercially.

CM Butler moved, seconded by CM Minter, to approve 695 feet of sidewalk from Springer to Churchill not to exceed \$12,000 from the mineral lease fund. Mayor Pro tem Gordon, CM Butler, and CM Minter voted "Aye" with CM Crews abstaining from the vote. Motion passed.

[CM Crews returned to the dais.]

10. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE CITY'S MINERAL REVENUES IN ORDER TO INSTALL A VEHICLE WASH ON THE NORTH SIDE OF THE CITY HALL PROPERTY FOR CITY VEHICLES.

PWD Hatley presented a proposal to install a vehicle car wash on City property. At this time, the Fire Department must wash the trucks inside the bays due to recent ordinance changes that require a sand trap to capture the runoff water. PWD Hatley added that both car washes in River Oaks had closed, resulting in all other City vehicles having to leave the city to be washed. PWD Hatley presented an estimate cost for the total project of \$30,000.

CM Crews asked FC Short if the Fire Department would mind continuing to wash the trucks inside the bays. FC Short replied that is not a problem.

CM Crews explained that the Chesapeake Fund is actually general fund money that has been set aside in a separate account for Council approved projects.

CM Crews pointed out that this project might cause unsightly nuisance as well as the smell from the sanitation trucks for the neighbors.

It was discussed that if this project is a consideration that it be presented in the next fiscal year budget.

CM Crews moved, seconded by CM Butler, not to approve to expend funds to install a vehicle car wash at City Hall. All voted "Aye."

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

Mayor Pro tem Gordon spoke in favor of the design with two desks behind the Council. Mayor Pro tem Gordon requested a design that would lower the height of the Council's computers allowing a better view of the room.

CM Crews inquired about Ipads or new laptops being funded from the Court fund. CA Elam verified that equipment used specifically by the Council could not be funded by the Court.

Mayor Pro tem Gordon spoke in favor of relocating the doors to the center of the wall.

CM Crews asked if this project would use up the funding that the Court could use for other purposes. CS Gregory replied that the only other project was a proposal to connect the police department with City Hall.

The cost of project was quoted at \$15,620 if the doors were not relocated or \$19,202 with the relocation of the doors.

PWD Hatley stated that the projected time for completion is 2-3 months. FC Short offered the training room in the Fire Department for a temporary location during the construction.

CM Crews moved, seconded by CM Butler, to expend funds from Court Security to fund courtroom improvements including moving the door and seats in an amount not to exceed \$20,000. All voted "Aye."

12. 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.

Inspector Sanders reported that the owner had applied for and paid the fees to receive a dumpster. The contractor for the City, IESI, did not pick up the dumpster as expected. Sanders reported that the owner was informed that a roll-off dumpster was necessary to dispose of the debris. Discussion occurred related to screening of the dumpster as required in the site plan. Sanders stated that the dumpster would still be viewable from the public right of way since it can only be screened on three sides. Sanders reported the intention of the owner to be in full compliance by Monday. Sanders stated that he would personally make the owner aware that citations would be issued beginning on Monday if full compliance is not met. CS Gregory stated that the temporary certificate of occupancy could be revoked and citations issued for operating a business without a certificate of occupancy.

CM Crews moved, seconded by CM Butler, to direct Staff not to enforce the ordinance and allow until Monday at 8:00 a.m. for the owner to remove the debris or the temporary certificate of occupancy would be revoked and citations would be issued. CM Butler, CM Crews, and CM Minter voted "Aye." Mayor Pro tem Gordon voted "Nay." Motion passed.

13. 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.

Concerns were mentioned about the appearance of the structure and surrounding property including: the door does not appear to be new and is need of painting; the awnings do not match each other in color, the absence of a trash receptacle as required in the site plan; standing water; and the temporary banners that are written in Spanish on one side of the building and in English on another side of the building.

Shirley Wheat stated that she had seen trash and debris surrounding the building over the weekend.

CM Butler expressed dissatisfaction in the appearance of the building, stating this new building does not look new. CM Butler stated that the City needs something in place that would allow for the enforcement of such issues.

CS Gregory pointed out that the temporary banner that is written in Spanish on one side is also on the other side. CS Gregory added that in the past, this has been allowed since both signs have the same verbiage.

It was decided that the Council would take no formal action on this agenda item and allow Staff to follow up with the owner on any issues that could be enforced.

No action was taken.

14. CONSIDER APPROVAL OF THE SCHEDULE FOR BUDGET WORKSHOPS AND TAX RATE SETTING AS PRESENTED BY THE CITY ADMINISTRATOR

CS Gregory presented a proposed schedule for regular and special called meetings related to the budget and affixing the tax rate.

CM Crews moved, seconded by CM Butler, to approve the schedule for budget workshops and tax rate settings. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF **ORDINANCE NO. 928-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM COMMUNITY CENTER DOLLAR DONATIONS.

No discussion occurred.

CM Butler moved, seconded by CM Crews to approve Ordinance # 928-2012.

The question was asked if this was the only expense for the All American Celebration. CS Gregory replied that there was a budgeted amount that covered any other expenses.

All voted "Aye."

16. CONSIDER APPROVAL OF **ORDINANCE NO. 929-2012** AMENDING **SEC. 12.05.013 SPECIAL TIME LIMIT NO PARKING ZONES** OF THE RIVER OAKS CODE OF

ORDINANCE ESTABLISHING A SPECIAL TIME LIMIT NO PARKING ZONE IN THE 4500 AND 4600 BLOCKS OF BARBARA RD.

Mayor Pro tem Gordon suggested that the words "No stopping or standing" be added to the signage. PC Carter agreed to the verbiage. PC Carter stated that the signage would be on both sides of Barbara Road. PC Carter added that the times would be uniform with the signs installed by the City of Fort Worth.

CM Crews moved, seconded by CM Butler, to approve Ordinance # 929-2012. All voted "Aye."

17. **CONSIDER APPROVAL OF ORDINANCE NO. 930-2012** AMENDING SEC. 12.04.001 MAXIMUM LIMITS NEAR SCHOOLS, CHURCHES, PARKS AND HOSPITALS OF THE RIVER OAKS CODE OF ORDINANCES DESIGNATING A SCHOOL ZONE AND ESTABLISHING THE PRIMA FACIE MAXIMUM SPEED LIMIT DURING SCHOOL ZONE TIMES FOR THE NEW A.V. CATO ELEMENTARY SCHOOL.

PC Carter presented his recommendation for extending the school zone another 1,050-feet north on Churchill, then, Barbara Road from its intersection with Churchill Rd. west 225-feet to near Oaklawn, then, Barbara Road east from its intersection with Churchill 1,125 feet to its intersection with Isbell and at the intersection of Barbara and Springer Road 600-feet.

PC Carter recommended that Section 1d be removed from the Ordinance designating that a school zone sign be erected on Isbell 600-feet north of Barbara Rd. intersection with Isbell on the River Oaks side stating it would not be enforceable by River Oaks since it is a Fort Worth street.

PC Carter stated that the 20 M.P.H. speed limits will be enforced during the school zone times of 7:00 A.M. until 8:30 A.M. and again from 2:45 to 3:45 P.M. daily on school days only as is the case in Fort Worth with A.V. Cato Elementary School.

CM Crews moved, seconded by CM Butler, to approve Ordinance # 930-2012 excluding "1d". All voted "Aye."

STAFF REPORTS:

18. UPDATE BY E.D.C. PRESIDENT, JOANN GORDON ON ENTERING INTO AN AGREEMENT WITH MUNDO AND ASSOCIATES AND THE RIVER OAKS ECONOMIC DEVELOPMENT CORP FOR IMPLEMENTATION OF AN ECONOMIC DEVELOPMENT PROGRAM.

EDC President Gordon summarized the potential benefits of hiring Mundo and Associates to implement an economic development program at a cost of \$48,000 per year. CA Elam confirmed that this expenditure must be approved by the City Council. It was mentioned that the reference of Mundo and Associates were checked resulting in high recommendations. Mayor Pro tem Gordon requested that the verbiage in the contract be changed to City Administration in place of City Manager. President Gordon introduced SKEDS, a program for the community that supports businesses and residents, combining online business tools with a shop local program. Councilman Crews suggested we first coordinate with the Chamber of

Commerce since they are actively involved in upgrading their website in supporting local businesses.

No action was taken.

19. STAFF REPORT AND UPDATE ON THE UPCOMING ALL AMERICAN FESTIVAL AT THE SUPER SAVE PARKING LOT ON SATURDAY, JUNE 30TH.

Community Center Director Shirley Wheat reported that staff is prepared for the All American Celebration on June 30, 2012.

No action was taken.

20. UPDATE ON WNV & MOSQUITO SURVEILLANCE PROGRAM AS PRESENTED BY PWD HATLEY

PWD Hatley stated that a case of West Nile Virus was reported in River Oaks but this fact could not be confirmed with Tarrant County. The area has been tested and staff has begun Mosquito Surveys in the area. Code Enforcement has located several violations of standing water that have been corrected. PWD Hatley explained that spraying the area for mosquitos only covers approximately 20 feet from the street and kills all insects including beneficial insects. PWD Hatley offered minnows and larvaeciding to anyone in need.

No action was taken.

21. UPDATE ON ATMOS CONSTRUCTION PROJECT TO REPLACE GAS SERVICES LINES IN THE CITY AS PRESENTED BY PWD HATLEY.

PWD Hatley handed out a route sheet of the work to be completed. PWD stated that Atmos will begin replacing service lines next week.

No action was taken.

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

Inspector Sanders gave the following updates on substandard properties:

- 1129 ST. EDWARDS – No change to report.
- 1205 CHURCHILL – This is a bank owned property that has been assessed civil penalties by the City Council. No change or contact to report.
- 1409 LAWRENCE – Staff recently performed a walk through inspection with a representative from property preservation. This is a bank owned property that has been assessed civil penalties by the City Council.
- 4525 ALMENA – This is a bank owned property that has been assessed civil penalties by the City Council. No change or contact to report.

- 1712 LAWOTHER – Christmas in Action had been working with the owner of this property to obtain compliance. The City Council allowed 60-days for completion at a public hearing on June 12, 2012.

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

- 715 ISBELL – Continual improvements under order of the Building Official.

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

PC Carter reported that Animal Control Officer (ACO) Brackeen had reported a burglary in progress a few months ago that resulted in three arrests.

PC Carter reported that a potential burglary in progress was thwarted by a neighbor. ACO Brackeen spotted a vehicle that was seen leaving the area and followed it until an officer could pull the vehicle over resulting in another arrest.

No action was taken.

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

FC Short reported that the attic storage space at the Fire Department is near completion.

FC Short reported that a ladder truck has been obtained for display of the flag at the All American Celebration.

No action was taken.

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

PWD Hatley reported that the Storm Water Task Force (SWTF) is considering installing a bridge that would generate safe passage across the drainage way on Springer. Currently the situation would require pedestrians, specifically school children, to walk into the street to pass the drainage way.

No action was taken.

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 a special called Council Meeting on Thursday June 28, 2012 to canvass the election and swear in Council Member Place 4, with a reception to follow for Council Member Bob Minter.

CM Crews noted that actual sales tax received is higher than projected.

EXECUTIVE SESSION:

36. 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:

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

38. ADJOURN

At 9:05 p.m. CM Crews moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor