

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 14, 2012**

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:

OFFICE MANAGER PAULA LUCK
POLICE CHIEF AVIN CARTER
FIRE CHIEF RON SHORT
PUBLIC WORKS DIRECTOR JAMES HATLEY
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
RECORDING SECRETARY SUSAN STEWART
ATTORNEY LISA MARES FOR CITY ATTORNEY 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, August 14, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD James Hatley delivered the Invocation.

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

Building Inspector Sanders 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 JULY 24, 2012

B. MINUTES OF SPECIAL CALLED MEETING JULY 31, 2012

C. BILLS PAYABLE FOR PERIOD ENDING AUGUST 14, 2012

CM Butler moved to approve consent agenda items A, B, and C.

Mayor Pro Tem Crews requested that agenda item # 5 of the Regular Meeting Minutes be corrected to reflect the accurate speaker of the motion since Mayor Earwood does

not make motions. Staff acknowledged the error and will review the recording and make the correction.

Motion seconded by Mayor Pro Tem Crews. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 MVI SERVICE CONTRACT FOR ACCESSING TEXAS MOTOR VEHICLE RECORDS.

Office Manager Luck stated that Code Enforcement uses this service to search for vehicle owners for proper notification of junked vehicles.

CM Gordon moved, seconded by CM Butler, to approve the MVI Service Contract as presented. All voted "Aye."

8. CONSIDER APPROVAL TO EXPEND ADDITIONAL FUNDS FROM THE FIRE DEPARTMENT DOLLAR DONATION FUND FOR BUILDING IMPROVEMENTS TO FIRE HALL.

Mayor Earwood requested that when estimates are provided, a percentage of the project cost be added for unforeseen expenditures at the time of approval.

CM Gordon moved, seconded by CM Ashton, to expend additional funds from the Fire Department Dollar Donation Fund for building improvements to the Fire Hall. All voted "Aye."

Mayor Pro Tem Crews requested that the next regular meeting agenda contain a procedure as described by the Mayor.

9. DISCUSSION AND/OR ACTION UNDER THE WNV MOSQUITO SURVEILLANCE REPORT PURSUANT TO RESOLUTION 552 AS PRESENTED BY PWD HATLEY.

PWD Hatley presented an updated handout describing the West Nile Virus situation in Tarrant County. PWD Hatley reported that Staff is monitoring West Nile in the City and Code Enforcement continues to do the mosquito surveys.

No action was taken.

10. CONSIDER APPROVAL OF PAYROLL DEDUCTION FOR FIREARM PURCHASE BY POLICE OFFICERS.

Mayor Earwood pointed out that the Council had already approved firearm purchases through payroll deduction. CM Holland requested that this request be presented each time to the City Council. PC Carter stated that the City does not provide weapons for the officers. PC Carter stated that the firearms are for some new officers and some are for additional weapons for seasoned officers to have backup weapons and additional weapon choices. Council inquired as to why some officers would need three weapons. PC Carter stated that this is a common practice among law enforcement. PC Carter stated that he and reserve Officer Brown would pay for their weapons upon receipt. PC Carter stated that a contract is required that must be fulfilled in the case that an officer separates from the City.

CM Gordon moved, seconded by CM Ashton, to approve payroll deduction for firearm purchase by police officers. All voted "Aye."

11. CONSIDER MAYOR'S RECOMMENDATION FOR 2012-2013 BOARD AND COMMITTEE APPOINTMENTS

CM Ashton asked if the remaining two board positions had been filled, stating that there are three applications for the Park Board in the information given to Council. PWD Hatley stated that Park Board Alternate Member Warriner has requested a regular member position, leaving two alternate positions.

CM Gordon noticed that the Library Board does not have a council liaison. Mayor Earwood stated that the Library Board is not an active board.

Council Members requested that recommendations to fill the vacancies be received from the Board Members and submitted to the Council.

CM Ashton moved, seconded by CM Gordon, to approve the Mayor's recommendation for 2012-2013 Board and Commission Appointments as submitted, leaving the vacant positions until further discussion with CS Gregory. All voted "Aye."

12. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR CONSTRUCTION OF A BASKETBALL COURT.

Community Center Directors requested direction to pursue the installation of a basketball court at the Community Center when the Dollar Donation Fund has a sufficient amount to cover the cost.

CM Crews mentioned that the building is in need of some repair. Mayor Earwood stated that the Council Approved Fund could be used for such repairs.

Community Center Directors responded to a question that the basketball court is important enough to spend all funds on this one project.

CM Holland suggested that Staff contact some corporate sponsors for funding options. Shirley Wheat stated that she will contact Quik Trip about sponsorship.

Mayor Pro Tem Crews stated that this project could be approved as a concept at this time but approval must be obtained once the funding is available.

CM Holland moved, seconded by Mayor Pro Tem Crews, to allow staff to pursue gathering funds to build the basketball court. All voted "Aye."

13. CONSIDER APPROVAL OF COMMUNITY CENTER PROGRAMS AND EVENTS:

Community Center Directors presented the following:

- i. TRIP TO WINDSTAR/SEPTEMBER 6TH OR 13TH - A trip to Winstar on either September 6th or 13th at a cost of \$20 per person. It was clarified that this would not be associated with the City, only offering the Center as a location for pickup and drop off at no cost to the City.
- ii. ADD FOOD BANK DISTRIBUTION TO SENIOR PROGRAM – More information is necessary, this item will be presented at a later date.
- iii. NCTCOG RENTAL SEPTEMBER 10 THRU 14 – All auditorium events have been cancelled the week of this event. It was noted that this event is open to the public. CM Holland asked if this event is a City sponsored event. Mayor Pro Tem Crews stated that this event is directly linked to the RCC of which the City is a active member.
- iv. CONSIDER WAIVING FEE FOR "MEET ME AT THE POLE" – John Loven has retired from Castleberry ISD and has requested to host this event outside of Community Center, weather permitting. All local churches will be included as well the public. Attorney Mares cautioned that this event can show no preference for denomination.

No action was taken.

Mayor Pro Tem Gordon Crews requested that staff notify the Council of the date for "Meet Me at the Pole."

14. CONSIDER APPROVAL OF CONTRACT WITH TARRANT COUNTY PRECINCT 4 FOR FY 2013 STREET IMPROVEMENTS.

PWD Hatley requested approval for the improvement of the 5000 and 5100 blocks of Langley as the 2013 project with Tarrant County. In addition, he requested the replace 3-feet on each side of Almena to match the grade of the curb line with the street crown. CM Holland stated that it was previously mentioned that the curbs be replaced before the street to avoid this issue. PWD Hatley stated that Staff had followed the recommendation of the County on this project but that future projects would consist of

curbing prior to street improvements. CM Holland also noted that the streets appear to deteriorate more rapidly since the seal coat is no longer used.

Mayor Pro Tem Crews moved, seconded by CM Gordon, to approve the contract with Tarrant County Precinct 4 for FY 2013 street improvements. All voted "Aye."

15. CONSIDER APPROVAL OF INTERLOCAL COOPERATION CONTRACT BETWEEN TDPS AND CITY TO IMPLEMENT FTA PROVISIONS PURSUANT TO THE TEXAS TRANSPORTATION CODE CHAPTER 706.

PC Carter requested that more information be obtained prior to approval. The benefits and distribution of money is unclear at this time.

No action was taken.

16. DISCUSSION AND/OR ACTION ON AMENDING UTILITY POLICY REGARDING WATER DEPOSITS (AS REQUESTED BY COUNCILPERSON JO ANN BUTLER)

CM Butler introduced Suzy Fitzgerald with Emerald Properties. Ms. Fitzgerald explained that property managers are currently required to come to the City several times to set up a water account, meet the inspector, and water personal to get the water turned on. She requested that the application process allow property managers to pay by credit card over the phone to establish service once a prior registration process has completed. Staff cautioned that even some property management companies have incurred bad debt but if guidelines were established, this service could be beneficial to water applicants.

Staff was directed to proceed with obtaining guidelines as discussed.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **ORDINANCE NO. 937-2012** 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 CASTLEBERRY ELEMENTARY SCHOOL.

PC Carter recommended that the school zone be enlarged to include 300-feet on all sides of the school. PC Carter noted an error in the proposed ordinance that includes 30-feet on Auburn, requesting this line be removed from the ordinance.

Concern was mentioned related to the some of the streets being 20 mph all day versus some being 20 mph only during drop off and pick up. PC Carter urged that the area of these streets and the buildings adjacent to those streets be considered individually.

CM Holland moved, seconded by CM Gordon, to approve Ordinance #938-2012 with the correction as stated during the discussion. All voted "Aye."

18. CONSIDER APPROVAL OF **ORDINANCE NO. 938-2012** AMENDING ARTICLE 12.03 "TRAFFIC CONTROL DEVICES" SEC. 12.03.006 "DESIGNATING ONE-WAY STREET AND PARKING ZONES" OF THE RIVER OAKS CODE OF ORDINANCES DESIGNATING THE TURNING LANE FROM ROBERTS CUT OFF RD. TO OHIO GARDEN RD. FOR ONE-WAY TRAFFIC AND DESIGNATING TIME LIMIT ONE-WAY TRAFFIC DURING SCHOOL DAYS AT CERTAIN TIMES ON OHIO GARDEN ROAD AND TULANE AVENUE.

PC Carter made the following proposals: 1) the turning lane from Ohio Garden leading east on to Roberts Cut Off a one way street; 2) Tulane from Merritt to Roberts Cut Off a one way on school days from 7:30 a.m. until 8:30 a.m. and from 2:30 p.m. until 3:30 p.m.; 3) Ohio Garden from the Multipurpose Building to Roberts Cut Off an one way street during those same drop off and pick up times. It was mentioned that the ordinance and signage would need to reflect the proper times. Attorney Mares recommended the verbiage "Unless otherwise posted."

CM Gordon moved, seconded by CM Butler, to approve Ordinance #938-2012. All voted "Aye."

19. CONSIDER APPROVAL OF **ORDINANCE NO. 939-2012** AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES" ADDING SEC. A.02.004 "FIRE PERMIT FEES" OF THE RIVER OAKS CODE OF ORDINANCES ESTABLISHING PERMIT FEES FOR FIRE PERMITS.

Inspector Sanders recommended adding Commercial Fire Sprinkler and Fire Alarm permits to the Fee Schedule. The current fee schedule does not provide for these permits so staff has permitted these under electrical, mechanical or general building permits. Mayor Earwood expressed concern that this change would affect the contractors at the new elementary school. Staff reported that the contractors are aware of the fee changes.

CM Gordon moved, seconded by Mayor Pro Tem Crews, to approve Ordinance #939-2012. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE NO. 940-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM FIRE DEPT. DOLLAR DONATIONS.

No discussion occurred. See agenda item #8 for discussion.

Mayor Pro Tem Crews moved, seconded by CM Butler, to approve Ordinance #940-2012. All voted "Aye."

STAFF REPORTS:

21. UPDATE, DISCUSSION AND/OR ACTION REGARDING CIVIL PENALTY ASSESSMENTS ORDERED PURSUANT TO SECTION 3.07.013 OF THE RIVER OAKS CODE OF ORDINANCES ON SUBSTANDARD PROPERTIES AT:

- i. 1205 CHURCHILL
- ii. 1409 LAWRENCE RD.
- iii. 4525 ALMENA RD.

Building Inspector showed photos of all three properties and stated that no improvements have been made. Inspector Sanders reported that Staff has had no recent contact with Wells Fargo, owner of 1205 Churchill and 4525 Almena, therefore Staff had to obtain an administrative search warrant to gain entry to take the photos. A contractor for 1409 Lawrence allowed access for these photos.

Mayor and Council expressed dismay at not being able to obtain compliance on these bank owned properties and requested advice from the city attorney's office. Attorney Mares stated that she would consult with City Attorney Elam and Attorney Woods.

No action was taken.

PUBLIC FORUM:

22. 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**

Naomi Cassady, 1102 Oxford, presented her concerns that elderly and disabled citizens may be physically and economically unable to participate in the recycling program that has proposed by the City. Mrs. Cassady spoke highly of the services offered by the City such as the police department, fire department and the sanitation pick-up. Mayor Pro Tem Crews clarified that the program would be strictly voluntary with no cost to the citizens. Mayor Pro Tem Crews explained that the City has applied for a grant to cover the initial cost of the program. He added that the program may potentially reduce the amount of the current sanitation program by reducing the amount of trash sent to the dumping site.

Mrs. Cassady spoke in opposition of using chemicals to remedy West Nile Virus.

Mrs. Cassady mentioned a drop in the street level at Baylor and Roberts Cut Off.

Wayne Butler mentioned that the City lot on Ohio Garden and the surrounding properties resemble a dumping ground, not leaving a good impression since a new school being constructed across the street.

CM Holland asked if all electric power has been restored following recent storm damage. PWD Hatley stated that he was told all power would be restored today. It was mentioned that better communication is necessary to alert citizens of locations that may be used for storm shelters in the future. CM Holland suggested that a procedure be initiated that would outline what the generators should power at City Hall during an outage.

Wayne Butler suggested that Trinity Baptist Church be contacted as a potential shelter during power outages and storms. James Myrick, Emergency Management Coordinator, stated that he has contacted all the local churches and he plans to make presentations prior to the next tornado season.

Mayor Earwood welcomed everyone to the staff meetings that occur at City Hall on Tuesdays at 9:00 a.m.

Mayor Pro Tem Crews noted that today is his 43rd anniversary with his wife, Nancy.

EXECUTIVE SESSION:

23. 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. **Duties, and salary compensation of Police Chief, Deputy Police Chief, CID Sergeant, Police Administration and other Police Department Personnel.**
- d. Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

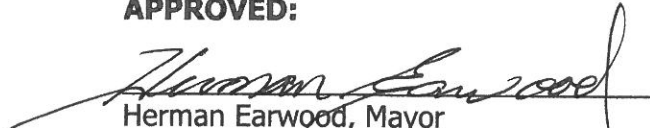
No action was taken.

ADJOURN:


25. ADJOURNMENT

At 9:13 p.m. CM Holland moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye"

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary