

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 25, 2012**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE CREWS  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER JOANN GORDON  
COUNCIL MEMBER JOE ASHTON  
COUNCIL MEMBER STEVE HOLLAND

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
CITY ATTORNEY BETSY ELAM  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
FIRE CHIEF RON SHORT  
ASSISTANT FIRE CHIEF CHRIS HAWKINS  
EMERGENCY MGMT COORD JAMES MYRICK  
COMMUNITY CENTER CO-DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER CO-DIRECTOR SHIRLEY BLOOMFIELD  
PUBLIC WORKS EMPLOYEE KELLY HOOPER  
CODE INSPECTOR STEVE SANDERS  
RECORDING SECRETARY CELINA MORENO  
LIUTENANT CHUCK STEWART

**MEMBERS ABSENT:**

None

**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, September 25, 2012 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**

Eagle Scout Clinton Willesen led the pledges of allegiance to the United States and the Texas Flags.

**4. READING OF PROCLAMATION(S) BY MAYOR:**

- Eagle Scouts Clinton Ray Willesen Day

Mayor Earwood recognized and presented Clinton Ray Willesen with a plack from the City of River Oaks.

- National Night Out

Mayor Earwood stated that the Methodist Church will host in celebration of National Night Out. He stated that the City of River Oaks is thinking of having it next year at McGee Park.

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 SEPTEMBER 11, 2012

B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 25, 2012

CM Holland pointed out that his name was misspelled on the Council Meeting Minutes of September 11, 2012.

**CM Gordon moved, seconded by CM Butler, to approve consent agenda items A and B as revised. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 REGARDING COMPLAINT OF JANN JONES OVER THE CANCELLATION OF THE ZUMBA CLASSES AT COMMUNITY CENTER BEGINNING ON SEPTEMBER 10, 2012.

Mayor Earwood announced that this item was withdrawn from the agenda.

**No action taken.**

8. CONSIDER APPROVAL OF **RESOLUTION # 742-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR SUPER SAVE GROCERY STORE TO HOLD AN OUTDOOR EVENT IN THE PARKING LOT AT THE BUSINESS LOCATED AT 5116 RIVER OAKS BLVD.

Larry Mills stated his request is to hold an Ice Cream Appreciation Day outside on the parking lot of Super Save Grocery Store located at 5116 River Oaks Blvd. The activity will be from 2pm -7pm on October 19<sup>th</sup>, 2012 and will include face painting, games and ice cream.

**CM Butler moved, seconded by Mayor Pro Tem Crews to allow Super Save to hold an outdoor event on the parking lot. All voted "Aye". (Resolution 742-2012 approved).**

9. CONSIDER APPROVAL OF **RESOLUTION # 743-2012** APPROVING THE SALE OF REAL PROPERTY AT 1129 ST. EDWARDS ACQUIRED AT A DELINQUENT TAX FORECLOSURE SALE.

Gustavo Casteneda, made a \$10,000 bid offer for the property at 1129 St. Edwards as presented by the law firm of Perdue, Brandon, Fielder, Collins & Mott LLP

**CM Gordon moved, seconded by CM Butler to approve Resolution # 743-2012. All voted "Aye".**

10. CONSIDER APPROVAL OF CHANGE ORDER REGARDING THE REHABILITATION OF BACKWASH PONDS AND RECIRCULATION FACILITIES PROJECT AT THE WATER PLANT.

CS Gregory stated that based upon test results of the hydraulic field tests conducted last month, he is requesting this Change Order for upsizing the recirculation pump. He wanted to make sure we knew the exact hydraulic conditions before the return pump was installed and it was confirmed that a pump operating at a higher pressure was required. The final figures of the Change Order No 5 are \$5,925.00 which are already figured into next year's budget.

**CM Gordon moved, seconded by CM Ashton to approve of change order regarding the rehabilitation of backwash ponds and recirculation facilities project at the water plant. All voted "Aye"**

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

PWD Hatley announced another death this morning in Dallas. He also stated that for the past 5 weeks we haven't had any positives in our Hot Zones. He also stated that we probably won't see the numbers go up next year like we did this year.

EMC Myrick stated that the weekly meetings with the health departments have moved to every 2 weeks due to the improvements. He also stated that we will continue to hear about deaths but only because they ran out of test kits and some are waiting to be tested. He also announced that by the end of the year CDC will have the results of how effective the sprayings were and by the end of March we will start the preventions against WNV for next year.

**No action taken.**

12. CONSIDER APPROVAL OF AGREEMENTS FOR ENTERTAINERS AND INSTRUCTORS AT THE COMMUNITY CENTER.

CS Gregory presented the proposed rate change of 75/25 split for entertainers and instructors at the community center. He stated that the City Attorney has reviewed and revised the agreements. He also announced that if this is passed tonight, it will go in effect November 1<sup>st</sup> 2012.

Mayor Pro Tem expressed his concern that the instructors have a key to the Community Center and access at any time.

Mayor Earwood responded that they were approved to get in and out of the building to prevent from staff to have to be there.

**Mayor Pro Tem Crews moved, seconded by CM Ashton to change the agreement for Entertainers at the Community Center to a 70/30 split on ticket sales and leave the instructors at 80/20 split. All voted "Aye".**

13. CONSIDER APPROVAL OF AGREEMENT REVISIONS FOR OUTDOOR RENTALS AT THE COMMUNITY CENTER.

CS Gregory presented the Outside Recreational Field Rental Agreement.

Mayor Earwood recommended we do not advertise the outdoor rental but rent on a case by case basis and still have guidelines and forms to fill out. The customer will take the form and request to be on the agenda for a Council Meeting.

CS Gregory will finalize the agreement.

**No Further Action Taken.**

14. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR WINTER CARNIVAL RIDES.

The Community Center Directors requested the expenditure of dollar donations for the bull rides for the winter carnival planned for December 1, 2012 at the community center. They announced that all 5 school choirs will attend and perform.

**CM Gordon moved, seconded by CM Ashton to approve to expend funds from the Community Center dollar donation fund for Winter Carnival Rides. All voted "Aye"**

15. CONSIDER APPROVAL OF BOARD APPOINTMENTS FOR TERM YEARS 2012 TO 2013.

CS Gregory presented the 2012 -2013 Board and Committee Appointments.

**CM Gordon moved, seconded by CM Butler to approve the Board Appointments for term years 2012 to 2013. All voted "Aye"**

16. CONSIDER APPROVAL FOR CITY TO PROVIDE FLU SHOT VACCINE FOR CITY EMPLOYEES.

CM Holland asked how many employees take advantage of this? CS Gregory stated that 26 got the vaccine last year. Mayor Earwood recommended for management to find the place and the best deal.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve for the city to provide flu shot vaccines for city employees. All voted "Aye"**

17. DISCUSSION AND/OR ACTION REGARDING RECENT ACTS OF VANDALISM AT THE SKATE PARK.

PWD Hatley presented a picture power point presentation of the vandalism acts at the Skate Park. The Park Board will be meeting in the next couple of weeks to discuss their recommendation to the council.

PWD Hatley confirmed that police have been notified and the report has been made. The estimated cost for repairs could run up to \$2000.

**No action taken.**

18. DISCUSSION AND/OR ACTION ON AUTO ALLOWANCE AND EMPLOYEE COMPENSATION UNDER THE LOCAL GOVERNMENT EMPLOYMENT TAX REQUIREMENTS.

CM Holland stated that he researched the IRS Code and the actual law in regards to 1099 and W2 and instead of focusing on city's fiscal year we should focus on calendar year. It's still under consideration, his recommendation would be that whatever changes we make, we should make them effective on January 1.

Mayor Pro Tem Crews pointed out that the big issue is whether we are an employee or contractor, he explained that there is a form that can be sent to IRS and they will give a judgment but there is a six month wait period for a response.

**No action taken.**

19. CONSIDER APPROVAL OF SCHEDULING FOR HOLIDAY EVENTS AND CLOSINGS.

CS Gregory requested that the council approve the holiday schedule as presented including the addition of employees receiving Monday December 31<sup>st</sup> off for the entire day.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve the scheduling for Holiday events and closings, adding December 31<sup>st</sup> all day. All voted "Aye"**

20. CONSIDER APPROVAL OF CITY ORGANIZATION AND JOB DESCRIPTIONS.

CS Gregory stated that the job descriptions are outdated. He requested the approval of the format and the department heads may continue updating the information.

Mayor Pro Tem Crews stated his concern with the education requirements and suggested we should require a minimum of a high school diploma or equivalent.

Mayor Earwood also stated his concern on hiring personnel without a high school diploma or equivalent.

It was suggested by Council to strike out the wording under bilingual requirements.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve the format Of city organization and job descriptions and give department head the ability to change the descriptions as necessary. All voted "Aye"**

**ORDINANCES/ RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

21. CONSIDER APPROVAL OF **ORDINANCE #950-2012** ESTABLISHING A CODE OF ETHICS FOR ELECTED OFFICIALS AND BOARD MEMBERS.

Attorney Betsy Elam stated that the draft has been ~~was~~ cleaned up removing a lot of the excessive verbiage.

CM Gordon stated that what they did was incorporate State laws and ethics that we think apply to our city in one place, which serves as a reference for elected officials, board members and employees.

CS Gregory will bring back a clean revised copy to next Council Meeting.

**No action taken.**

22. CONSIDER APPROVAL OF **ORDINANCE # 953-2012** OF THE CITY OF RIVER OAKS AMENDING THE 2011-2012 ECONOMIC DEVELOPMENT CORPORATION (EDC) FISCAL BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

CM Gordon explained that this ordinance is to provide payment for Mundo and Associated for the last two months of 2012 budget.

**CM Gordon moved, seconded by CM Holland to approve ORDINANCE # 953-2012. All voted "Aye"**

23. CONSIDER APPROVAL OF **ORDINANCE # 954-2012** AMENDING THE 2011-2012 FY GENERAL FUND BUDGET FOR EMERGENCY REPAIR ON 2004 INTERNATIONAL GARBAGE TRUCK; AND PROVIDING FOR AN EFFECTIVE DATE.

PWD Hatley explained that the 2004 International truck needs injectors and the price quoted is approximately \$10,456.00, Kelly Hooper is working with International to reduce the cost of the parts and he thinks he may get the costs down to approximately \$7800.

Mayor Pro Tem asked if this had anything to do with negligence.

Kelly Hooper explained that it was not due to any negligence of our part but a maintenance schedule is going to be set up based on hourly use and not mileage.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve ORDINANCE # 954-2012 amending the 2011-2012 FY budget in the amount of \$10,456.00 All voted "Aye"**

24. CONSIDER APPROVAL OF **ORDINANCE # 955-2012** AMENDING THE 2011-2012 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COURT TECHNOLOGY FUNDS.

PWD Hatley stated that he contacted Lone Star Communications and received two quotes in order to substitute the 4 microphones we have with a 9 microphone system. Our first quote is of \$12,390 and the second quote is for \$25,880 with the voting system included.

Council felt it was a waste of funds to purchase an entire system with a voting system and directed PWD Hatley to find out what our system can upgrade to in order to save money.

Mayor Pro Tem Crews also agreed to research on what we can upgrade to without spending a great deal of money.

Mayor Earwood stated that he was concerned with spending money just because it's available and agreed that we should look at other options.

**No action taken.**

**STAFF REORTS:**

25. 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:

- 1129 ST. EDWARDS – City Property that was presented earlier tonight for resale by the tax attorneys.
- 1205 CHURCHILL – No change, owned by Wells Fargo.
- 1409 LAWRENCE – No change, owned by Wells Fargo
- 4525 ALMENA – Have pulled permits, 30 days granted.
- 1712 LAWYER – Plumbing and Electric complete; Issue permits that expire 08/13/2012

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

- 715 ISBELL – Has active permits. Permits expire 12/15/2012
- 5032 SHERWOOD – Has cleaned back yard, Issued permits that expire 11/21/2012, currently working on the house.
- 620 WORTHVIEW – Have active permits that expire 1/13/2013.



- 1609 NANCY LANE – Permits revoked for not doing inspections, \$ contractor was paid upfront by the owner, and but no work done. Issued permits that expire 1/13/2013.
- 
- 809 GUSTAV – Will bring back to next Council Meeting, No permits issued. Foreclosure Home.
- 1619 YALE – Will bring back to next Council Meeting. Foreclosure Home.
- 4841 SHERWOOD – Will bring back to next Council Meeting. Foreclosure Home.

27. **POLICE DEPT. MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

No discussion occurred.

28. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

FC Short took the stand to express this gratitude and he thanked all departments for their hard work.

Mayor Earwood expressed his gratitude to FC Short on his amazing work on the bridge, Mayor stated that starting next month the City will start recognizing certain individuals for their outstanding accomplishments to our community.

29. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

No discussion occurred.

30. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

No discussion occurred.

31. **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 occurred.

32. **PUBLIC WORKS 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 occurred.

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

No discussion occurred.

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

Mayor Pro Tem Crews pointed out about the monitor fees and asked how they are paid. Mayor Earwood stated that all this was discussed at one time and the monitor is there to open and close for the renters. Monitor doesn't fall under their job descriptions. Attorney Betsy Elam stated that she would look into this.

35. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

No discussion occurred.

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

No discussion occurred.

37. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION.

No discussion occurred.

**PUBLIC FORUM:**

38. 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 read the note of commendation for James Hatley for his prompt response on a call about a problem involving damage to a plant apparently caused by the meter reader. Mayor Earwood also announced the Homecoming Parade on October 11<sup>th</sup>. He also stated that Thursday, October 4th will be the Ground Breaking of QT.

Nancy Crews announced the Health Fair at the New A.V. Cato on March 2, 2013 and that they are still looking for sponsors in order to collect \$5000.

CM Butler thanked PC Short for his time with us and all he did.

CM Holland announced the Run for Kids October 27<sup>th</sup>

Mayor Pro Tem Crews reminded the council of the Open House at A.V. Cato Elementary on Thursday, October 4, 2012 at 6:30pm.

It was mentioned by CM Joe Ashton that White Settlement is inviting us out to celebrate Settlers Day on October 13<sup>th</sup>.

CM Ashton also expressed thanks to FC Short.

CM Gordon expressed words of gratitude to FC Ron Short.

Mayor Earwood thanked Joann Butler and Nancy Crews for the Community Lunch, they put a lot of effort into it.

**EXECUTIVE SESSION:**

39. 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 possible litigation on substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena Rd.
- 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:**

40. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

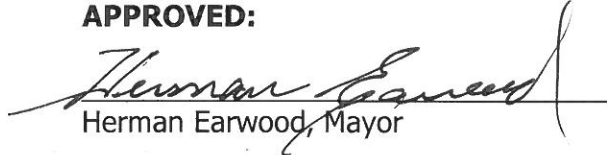
**None**

**ADJOURN:**

41. ADJOURNMENT

**At 9:27p.m. Mayor Pro Tem Crews moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye"**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary