

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 23, 2012**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
CITY ATTORNEY BETSY ELAM  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
PUBLIC WORKS EMPLOYEE KELLY HOOPER  
FIRE CHIEF CHRIS HAWKINS  
C.C. DIRECTOR SHERLEY BLOOFIELD  
C.C. DIRECTOR SHERLEY WHEAT  
CODE INSP STEVE SANDERS  
EMERGENCY MGMT COORD JAMES MYRICK  
RECORDING SECRETARY CELINA MORENO

**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, October 23, 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**

Kelly Hooper led the pledges of allegiance to the United States and the Texas Flags.

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

- MUNICIPAL COURT WEEK NOVEMBER 5<sup>TH</sup> THROUGH 9<sup>TH</sup>

Mayor Earwood read Proclamation Declaring November 5 – 9<sup>th</sup> Municipal Court Week.

**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 OCTOBER 9, 2012
- B. BILL PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2012 (FY2012)
- C. BILL PAYABLE FOR PERIOD ENDING OCTOBER 23, 2012 (FY 2013)
- D. APPROVAL OF EDC 4<sup>TH</sup> QUARTER FINANCIAL REPORT
- E. APPROVAL OF CCPD 4<sup>TH</sup> QUARTER FINANCIAL REPORT

F. APPROVAL OF ANNUAL INVESTMENT REPORT

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**None.**

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

7. CONSIDER APPROVAL TO EXTEND PERMIT EXPIRATION DATES FOR NEW CONSTRUCTION PERMITS ON CASTLEBERRY ELEMENTARY AND W.O. BARNES STADIUM FOR CISD.

Patrick Farr requested the extension of the building permits and to only have to pay the permitting fee one time due to the fact that the project durations for Castleberry Elementary and W.O. Barnes Stadium exceed 6 months.

**CM Gordon moved, seconded by CM Butler to approve to extend expiration dates for new construction permits on Castleberry Elementary till 09/30/2013 and W.O Barnes Stadium until 09/01/2013 for CISD, permitting the Mayor to extend the permits for an additional 30 days if needed. All voted "Aye"**

8. CONSIDER APPROVAL TO WAIVE PERMITTING FOR NEW BLEACHERS AT W.O. BARNES STADIUM.

Patrick Farr requested permit fee to be waived. He explained that the bleachers are being installed and the cost is approximately \$890,000, permits would be \$4,561.00. They already permitted the stadium in the amount of \$17,464.48.

**CM Butler moved, seconded by CM Gordon to waive permitting for new bleachers at W.O. Barnes Stadium. All voted "Aye"**

9. CONSIDER APPROVAL OF **RESOLUTION # 746-2012** OF THE CITY OF RIVER OAKS FOR SPECIAL EVENT PERMITTING IN ORDER FOR A.V. CATO TO HOLD A BOOK PARADE ON BARBARA ROAD ON OCTOBER 31, 2012.

Terry Johnson, Associate Principal of CE, represented both Castleberry Elementary and AV Cato. He explained that the Book Parade has been a standing tradition for about 5 years now and requested the closing of Roberts-Cut-Off to Merritt St. during the hours of 8:30 - 10am and for AV Cato from 8:30 - 9:30 close Barbara Rd from Isabel to Palmetto Drive. The Police Chief has already been notified and is willing to coordinate.

**CM Butler moved, seconded by CM Holland to approve RESOLUTIONS # 746-2012 and # 747-2012 to allow Castleberry Elementary and AV Cato hold a Book Parade. All voted "Aye"**

10. CONSIDER APPROVAL OF **RESOLUTION # 747-2012** OF THE CITY OF RIVER OAKS FOR SPECIAL EVENT PERMITTING IN ORDER FOR CASTLEBERRY ELEMENTARY TO HOLD A BOOK PARADE ON OCTOBER 31, 2012

**This item was included in the previous motion.**

11. CONSIDER APPROVAL TO AMEND THE MAY 8, 2012 ORDER TO ASSESS CIVIL PENALTIES ON THE PROPERTY AT 4525 ALMENA RD.

CS Gregory explained that it is brought up to code. City Attorney Elam recommended we take this into Executive Session.

**Action taken following Executive Session.**

12. CONSIDER APPROVAL TO AMEND THE AUGUST 23, 2011 ~~SUBSTANDARD~~ **SUBSTANDARD** BUILDING ORDER AND THE JANUARY 10, 2012 ORDER TO ASSESS CIVIL PENALTIES ON THE PROPERTY AT 1205 ~~CHURCHILL~~ **CHURCHILL** RD.

Council agreed to take this into Executive Session.

**No discussion, Action taken following Executive Session.**

13. CONSIDER APPROVAL TO AMEND THE NOVEMBER 22, 2011 ~~SUBSTANDARD~~ BUILDING ORDER AND THE MARCH 14, 2012 ~~ORDER~~ **ORDER** TO ASSESS ~~VICIL~~ **CIVIL** ~~PENTALITES~~ **PENALTIES** ON THE PROPERTY AT 1409 LAWRENCE ROAD.

Council agreed to take this into Executive Session

**No discussion, Action taken following Executive Session.**

14. 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 reminded that the city and residents still needs to take precautions. The city is still reminding residents to empty out water.

**No action taken.**

15. CONSIDER APPROVAL OF COMMUNITY CENTER PROGRAMS, RENTALS AND EVENTS:

- i. PROJECT GRADUATION 2014

This project will be brought back to Council with more information or a representative present.

**No action taken.**

- ii. MOCK VOTING FOR STUDENTS

Project cancelled.

**No action taken.**

- iii. LYSA CHEERLEADERS END OF YEAR PARTY (Requested by Veronica Cabral, Cheer Commissioner)

Cheer Commissioner, Veronica Cabral requested the approval to use the Community Center free of charge for the End of Year Party/Dance on November 11, 2012 from 3:00-6:00 pm. She explained that parents requested this party with the idea of uniting all 3 groups from ages 4-11.

**CM Holland moved, seconded by CM Gordon to approve the LYSA Cheerleader end of year party to be held at the Community Center free of charge. All voted "Aye"**

- iv. MISS RIVER OAKS CONTEST

Project canceled due to the high expense.

**No action taken.**

- 16. CONSIDER APPROVAL OF RECOMMENDATION FOR THE STORM WATER TASK FORCE REGARDING ENGINEERING DESIGN AND COLOR SCHEME OF BRIDGE OVER THE DRAINAGE CHANNEL AT SPRINGER AND BARBARA.

PWD Hatley presented the idea of painting the bridge black, maroon letters and green but also requested any other color suggestions.

Mayor Earwood recommended the use of the River Oaks Water tank tan as a base instead of white.

**CM Holland moved, seconded by CM Gordon to approve the design and color scheme of the Bridge over the drainage channel at Springer and Barbara to be Black, maroon and green. All voted "Aye"**

- 17. CONSIDER APPROVAL FOR HOLIDAY UTILITY BILLING.

CS Gregory explained that in the past we have waived cutting off past due water bills during the Christmas season, should we practice that for the whole month of December or just those accounts that become subject to cut off during Christmas week.

CM Holland stated he didn't understand the billing cycle and CS Gregory stated that since we don't know what day it would fall on and the city only cuts off water on Wednesday, Thursday, and never on Fridays in order to keep it in line with the ordinance.

**CM Gordon moved, seconded by CM Butler to keep the Holiday Billing as it has been in previous years. All voted "Aye"**

18. CONSIDER APPROVAL FOR THE CITY'S PARTICIPATION IN THIS YEAR'S MAYOR'S COUNCIL CHRISTMAS BANQUET.

Council was disappointed with the previous Mayor's Council Christmas Banquet and was debating on attending this year, but due to the fact that the city benefits financially from it, it was recommended by the Mayor that Council members and spouses should attend if they choose.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve the city's participation in this year's Mayor's Council Christmas Banquet allowing council members to attend at their own will. All voted "Aye"**

19. CONSIDER APPROVAL OF APPLICATION AND AGREEMENT WITH E.R.C.O.T. FOR MEMBERSHIP 2013.

CS Gregory stated that this is \$100 well spent for the city.

**CM Gordon moved, seconded by CM Ashton to approve the application and agreement with E.R.C.O.T. for membership 2013. All voted "Aye"**

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

20. CONSIDER APPROVAL OF **ORDINANCE # 956-2012** AMENDING ARTICLE 13.02 "UTILITY POLICY" DIVISION 2, SPECIFICALLY SECTION 13.02.040 "REQUIREMENT FOR NEW APPLICATION FOR UTILITY SERVICE".

CS Gregory explained that he added the section for realtors and included property managers. He also added the liability clause.

**CM Gordon moved, seconded by CM Butler to approve ORDINANCE #956-2012. All voted "Aye"**

21. CONSIDER APPROVAL FOR **ORDINANCE # 957-2012** AMENDING ARTICLE 13.03 "WATER SYSTEM" SECTION 13.03.009 "METER DEPOSITS AND OTHER FEES" REVISING SECTION 13.03.009 (B) "OTHER UTILITY DEPOSIT FEES" ESTABLISHING A REALTOR/PROPERTY MANAGER DEPOSIT FEE.

CS Gregory stated that city staff is already going by this, but without backup.

**CM Butler moved, seconded by Mayor Pro Tem Crews to approve ORDINANCE # 957-2012. All voted "Aye"**

22. CONSIDER APPROVAL OF ORDINANCE # 958-2012 ADOPTING AN OFFICIAL NEWSPAPER FOR THE CITY.

CS Gregory explained that Suburban news doesn't meet the criteria under the Attorney General for general circulation due to the fact that it doesn't have subscribers. Council agreed to take this to Executive Session.

**Action Taken following Executive Session.**

23. CONSIDER APPROVAL OF RESOLUTION # 748-2012 OF THE CITY OF RIVER OAKS FOR SPECIAL EVENT PERMITTING IN ORDER FOR THE COMMUNITY CENTER TO HOLD AN OUTDOOR EVENT ("WINTER FESTIVAL") IN AND AROUND THE COMMUNITY CENTER AT 5300 BLACKSTONE DR.

No discussion occurred.

**CM Gordon moved, seconded by CM Ashton to approve RESOLUTION # 748-2012. All voted "Aye"**

**STAFF REPORTS:**

24. STAFF REPORT FROM PAM MUNDO OF MUNDO AND ASSOCIATES REGARDING ECONOMIC DEVELOPMENT

Pam Mundo stated that for her 1<sup>st</sup> quarter she is doing two things. First, she is determining River Oaks competitive position in the market. Second, she is beginning the marketing program. We are looking at why an investor would want to bring a million dollar deal to the city. She is attending meetings and representing the City of River Oaks. Shop River Oaks is about to be ready to launch. We plan on having a training session on how to use it.

25. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 1129 ST. EDWARDS – Approved for sale, no paperwork on it yet.
- 1205 CHURCHILL – Still unoccupied, owned by Wells Fargo and will be discussed in Executive Session
- 1409 LAWRENCE – Owned by Chase Bank and will be discussed in Executive Session.
- 1712 LAWTHORP – Will be removed this week.



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

- 715 ISBELL – Work is being done. It is vacant.
- 5032 SHERWOOD – Work is being done. Permits expire 11/21/2012.
- 620 WORTHVIEW – Building Permit and plumbing permit pulled. Paid substandard fee.
- 1609 NANCY LANE – Vacant, Owner pulled Building and Plumbing Permits, which expire 01/13/2013, work is being done.
- 809 GUSTAV – Will put on next month council agenda.
- 1619 YALE – Will put on next month council agenda. Need inspection.
- 4841 SHERWOOD – Will put on next month Council agenda. This is a Foreclosure. Orders are being issued.
- 606 WORTHVIEW – Will put on next moth Council agenda. Orders are being issued.

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

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

Police Chief is out of the hospital and hopes to be back at work by Thursday. Deputy Chief Spieldenner explained that the Castleberry Elementary emergency evacuation went well. A picture slide was shown on how the entire body of Castleberry Elementary walked. The police department was very much involved in the whole process.

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

Fire Chief Hawkins announced that he made some promotions. ~~Jerry~~ **Jerritt Gideon** was promoted to Captain over operations, Steve Sanders moved from training to Operations, Danny Renois is now Training Captain.

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

**No discussion.**

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

**No discussion.**

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.**

32. PUBLIC WORKS ACTIVITY REPORTS 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.**

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

**No discussion.**

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

**No discussion.**

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

**No discussion.**

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

**No discussion.**

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.**

**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 EXITING POLICY ON THAT ISSUE, OR DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. **NO COUNCIL DELIBERATION IS PERMITTED**

**None.**

**EXECUTIVE SESSION:**

39. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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, evacuation, 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

[At 8:25 p.m. Mayor Earwood convened into executive session]

**RECONVENE:**

[At 8:52 p.m. Mayor Earwood reconvened into regular session]

40. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**Mayor Pro Tem Crews moved, seconded by CM Butler to approve Ordinance # 958-2012 for select both Fort Worth Star Telegram and River Oaks News as our official newspaper for the City of River Oaks. All voted "Aye"**

**CM Gordon moved, seconded by CM Ashton to allow Council to negotiate a settlement on the administrative fees for 1205 Churchill, 1409 Lawrence and 4525 Almena within the premise of Executive Session. All voted "Aye"**

CM Butler thanked everyone for the luncheon.

CM Holland reminded about the charity run this weekend, fliers are available. Lions Club is also having a Breakfast event.

Mayor Pro Tem Crews reminded about the Red Ribbon Week Kickoff Friday night at the Football game and included that Tuesday morning is the Breakfast at the Lions Club.

CM Gordon thanked the Fire Department for the Bonfire.

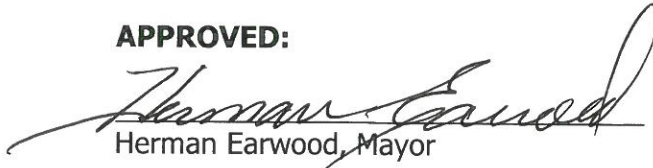
Mayor Earwood thanked Chris Hawkins for the work he is doing.

**ADJOURN:**


41. ADJOURNMENT

**At 8:58 p.m. CM Gordon moved, seconded by CM Hollan to adjourn the meeting. All voted "Aye"**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary