

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
OCTOBER 25, 2011**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE CHIEF RON SHORT
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICE MANAGER PAULA BAGWELL
SECRETARY SUSAN STEWART

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 25, 2011 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

FC Short led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- Municipal Court Week

Mayor Earwood read a proclamation declaring November 7 – November 11, 2011 as 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 11, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING SEPT. 30, 2011 (FY 2011 BUDGET)
- C. BILLS PAYABLE FOR PERIOD ENDING OCTOBER 25, 2011 (FY 2012 BUDGET)
- D. APPROVAL OF 4TH QUARTER AND ANNUAL INVESTMENT REPORT
- E. APPROVAL OF 4TH QUARTER EDC FINANCIAL REPORT
- F. APPROVAL OF 4TH QUARTER CCPD FINANCIAL REPORT

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, E and F, as requested. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 APPEAL OF PASTOR DOUG MARTIN PURSUANT TO SECTION 3.12.005 OF THE RIVER OAKS CODE OF ORDINANCES REGARDING THE DECISION OF THE BUILDING OFFICIAL THAT SIGNAGE ON THE PROPERTY AT 1200 ROBERTS CUT OFF RD. IS IN VIOLATION OF ARTICLE 3.12 "SIGNS" UNDER SECTION 3.12.082 "COPY".

A representative was not present.

~~Action on this agenda item was taken after executive session.~~ **This agenda item was discussed and action was taken after agenda item #31 to allow time for a representative to arrive.**

8. PRESENTATION BY MICHELLE KENNEDY OF TRINITY HABITAT FOR HUMANITY REGARDING THEIR PROGRAM IN WORKING WITH MUNICIPALITIES FOR COMMUNITY DEVELOPMENT AND HOUSING NEEDS.

Michelle Kennedy, Senior Director of Operations for Trinity Habitat for Humanity, was present to describe the process for determining locations for Habitat Homes. Ms. Kennedy explained the three main criteria for determining eligibility for the program. It was discussed that the masonry requirement in the zoning ordinance may be reviewed to allow hardie board, a material frequently used by Habitat for Humanity. Ms. Kennedy also mentioned an exterior rehab program for existing homes.

No action was taken.

9. CONSIDER APPROVAL OF OIL AND GAS LEASE ON CITY PROPERTY DESCRIBED AS BEING LOTS 1-A, B & C LEE RODGERS S/D AND LOT 8 & 9, DOYLE-HEAD 2ND FILING.

CS Gregory explained that the City had signed a two-year lease with a one-year option for the Community Center property in October of 2006. The 2006 lease was extended 8-months and 7-days until July 1, 2010. Kastner Land Services recently presented to the city a lease proposal for the community center and the property used previously as a water tank site on Harrisdale that included a new two-year lease option at \$4,500 per acre with a one year option at \$750 per acre.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve an oil and gas lease on City property described as being Lots 1-A, B & C Lee Rodgers S/D and Lots 8 & 9, Doyle-Head 2nd Filing. All voted "Aye."

10. CONSIDER APPROVAL OF THE EXPENDITURE OF FIRE DEPT DOLLAR DONATIONS IN ORDER TO PURCHASE A WASHER AND DRYER FOR THE FIRE HALL.

FC Short requested to purchase a washer and dryer for volunteer firefighter use during extended stays at the station.

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve the expenditure of the Fire Department Dollar Donations in order to purchase a washer and dryer. All voted "Aye."

11. CONSIDER APPROVAL TO ALLOCATE FUNDING IN SUPPORT OF TARRANT YOUTH RECOVERY CAMPUS ESTABLISHED AS A COMMUNITY RESOURCE PROVIDING SUBSTANCE ABUSE TREATMENT SERVICES.

CS Gregory stated that the City had contributed to this cause in 2009. Discussion occurred related to the reason that Council chose not participate in the cause in 2010. PC Chisholm recommended supporting the program that assists with juvenile substance abuse programs. Council Members requested additional information that may include the presence of representative.

No action was taken.

12. CONSIDER APPROVAL OF FY 2012 MUTUAL AID AGREEMENT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1.

It was explained that this agreement is the same annual contract with Tarrant County for mutual aid.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve Fiscal Year 2012 Mutual Aid Agreement with Tarrant County Emergency Services District No. 1.

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

13. CONSIDER APPROVAL OF RIVER OAKS **ORDINANCE # 906-2011** ADOPTING A **JOINT ORDINANCE AND BOUNDARY AGREEMENT BETWEEN THE CITY OF RIVER OAKS AND THE CITY OF FORT WORTH RELEASING AND ACCEPTING CORPORATE LIMITS.**

Mayor Earwood explained that a small portion of the High School property is in the City of Fort Worth. The City of Fort Worth has agreed to relinquish this property to River Oaks. CS Gregory stated that only the cost of legal fees would be incurred by the City. CS Gregory stated that the proposed ordinance includes a provision allowing River Oaks to enforce inspection procedures even though some of the water lines belong to the City of Fort Worth.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #906-2011 adopting a joint ordinance and boundary agreement between the City of River Oaks and the City of Fort Worth releasing and accepting corporate limits. All voted "Aye."

14. CONSIDER APPROVAL OF **ORDINANCE # 907-2011** AMENDING CHAPTER 13 "UTILITIES" SECTION 13.03.005 "CONNECTION MADE BY CITY AFTER PAYMENT OF BILL".

CS Gregory summarized the request of Staff to clarify the current requirement to separate water meters, specifically when a commercial unit becomes vacant. This requirement could cause an undue hardship on existing properties. The proposed ordinance would require meter separation for each unit only when the ownership changes.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 907-2011. All voted "Aye."

STAFF REPORT:

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

Inspector Sanders gave the following updates on substandard properties:

- 4833 OHIO GARDEN RD. – Active building permit. District Court order that expires on November 10, 2011. There have been no inspections requested.
- 1129 ST. EDWARDS – No change to report. This property will be discussed in a future executive session.
- 1716 LAWTHORP – Progress continues on schedule for completion by November 23, 2011.
- 5406 DARTMOUTH – No inspections to report and no contact from owner.
- 5314 AMHERST – No inspections to report and no contact from owner.
- 1205 CHURCHILL – This property is vacant. The debris has been removed.

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

- 5311 CORNELL – Approved Certificate of Occupancy as of October 23, 2011.
- 1712 LAWTHORP – Christmas in Action is working with the owner to bring the property into compliance.
- 5414 BAYLOR – This is a HUD property, no enforcement action will occur until ownership changes.

- 720 WINTERS – Active building permit has been issued that expires December 7, 2011.
- 1409 Lawrence – This property will be presented to the City Council on November 8, 2011.
- 4824 SHERWOOD – Owner intends to sell as is. This property will be presented to the City Council on November 8, 2011.
- 4825 ALMENA – Recently posted substandard, no contact from owner.

17. SUBSTANDARD PROPERTIES RELEASED

- 4904 LAWTHORP – Approved Certificate of Occupancy.
- 4821 ALMENA – Approved Certificate of Occupancy.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

18. 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 Chisholm reported that an eight-liner gaming arcade was noticed and shut down by City Staff. According to the Zoning Ordinance, eight-liners are only allowed in C-3 with a specific use permit. The certificate of occupancy was issued for a dance studio. Staff required the machines to be removed within 48-hours.

No action was taken.

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

FC Short stated that the Fire Department has been studying the reasons that the number of volunteers is low.

FC Short stated that daytime response from mutual aid has decreased and Saginaw Fire Department has agreed to respond when necessary.

No action was taken.

20. INSPECTIONS AND CODE COMPLIANCE MONTHLY ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

No discussion or action.

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

No discussion or action.

22. **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.

23. **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.

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

No discussion or action.

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

No discussion or action.

26. **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.

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

No discussion or action.

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

Storm Water Task Force Chairman Hatley summarized activities for the Task Force. Task Force Members have met with Raydon on the Storm Water Management Plan and recommended that the plan begin at the "top" of the City. The homeowner at 1832 Inspiration Lane was present at the last Task force meeting to discuss complaints regarding the hauling of dirt onto his property. City Staff plans to monitor the quality of the dirt through soil samples.

PUBLIC FORUM:

29. 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**

Council Member Crews requested that the Code Enforcement Officer be in attendance at an upcoming Council Meeting.

John Claridge inquired about the BIG program. EDC President Gordon replied that three packets have been picked up but none have been returned.

CCDAC President Nancy Crews expressed appreciation to all who supported Red Ribbon Week.

EXECUTIVE SESSION:

30. 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: **Litigation on substandard property at 4833 Ohio Garden 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 compliant or charge against an Officer or Employee. **Department Head Evaluations (Police Chief Dan Chisholm, Fire Chief Ron Short, Public Works Director James Hatley, Librarian Mary Earwood and City Secretary Marvin Gregory)**
- d. Section 551.076 Deliberation regarding security devices

[At 8:12 p.m. Mayor Earwood convened into executive session under 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 compliant or charge against an Officer or Employee. Department Head Evaluations (Police Chief Dan Chisholm, Fire Chief Ron Short, Public Works Director James Hatley, Librarian Mary Earwood and City Secretary Marvin Gregory)]

RECONVENE:

[At 11:57 p.m. Mayor Earwood reconvened into regular session.]

31. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

No action was taken on executive sessions agenda items.

7. CONSIDER APPEAL OF PASTOR DOUG MARTIN PURSUANT TO SECTION 3.12.005 OF THE RIVER OAKS CODE OF ORDINANCES REGARDING THE DECISION OF THE BUILDING OFFICIAL THAT SIGNAGE ON THE PROPERTY AT 1200 ROBERTS CUT OFF RD. IS IN VIOLATION OF ARTICLE 3.12 "SIGNS" UNDER SECTION 3.12.082 "COPY".

Motion made by Crews, seconded by Holland (from Agenda Item # 7), to deny the appeal of Doug Martin at 1200 Roberts Cut Off regarding the decision of the Building Official pertaining to the violation of Article 3.12 "signs" under Section 3.12.082 "Copy" by finding that the Building Official determination was in accordance with city code. All voted "Aye".

ADJOURN:

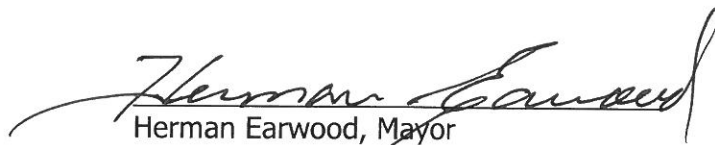
32. ADJOURN

At 11:59 p.m. CM Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary


Herman Earwood, Mayor