

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 13, 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:

CITY SECRETARY MARVIN GREGORY
INTERIM FIRE CHIEF CHRIS HAWKINS
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
ASSISTANT CITY SECRETARY PAULA LUCK
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
CODE COMPLIANCE OFFICER FABIAN NEATHERY
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM (AT 7:06 P.M.)

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, November 13, 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

EMC Myrick 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 OCTOBER 23, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 13, 2012 (FY 2013)
- C. RESIGNATION OF MIKE ARNOLD AS THE CODE ENFORCEMENT OFFICER
- D. RE-ORGANIZATION PLAN FOR THE PUBLIC WORKS DEPARTMENT THAT INCLUDES THE LATERAL TRANSFER WITHIN THE DEPARTMENT TO FILL THE VACATED CODE COMPLIANCE OFFICER POSITION
- E. APPROVAL OF **RESOLUTION # 750-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR FOUNTAIN OF BLESSINGS CHURCH AT 1000 ROBERTS CUT OFF RD. TO HOLD AN ANNUAL HARVEST FESTIVAL OUTREACH.

Mayor Earwood referred to consent agenda item E, stating that the applicant has presented a letter of support from the owner of the property.

CM Butler pointed out some misspellings on the October 23, 2012 Minutes document under agenda items 12 and 13.

CM Gordon requested that Jerritt Gideon's name be corrected on the October 23, 2012 Minutes document under agenda item 28.

CM Ashton moved, seconded by CM Gordon, to approve consent agenda items A, B, C, D, and E with the noted corrections to the minutes. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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:

Mayor Earwood announced that agenda items 7, 8, and 9 would be discussed upon the arrival of the city attorney.

10. CONSIDER APPROVAL TO EXTEND PERMIT EXPIRATION DATES FOR QUIK TRIP NEW CONSTRUCTION PERMITS.

Agenda items 10 and 11 were discussed concurrently.

Inspector Sanders summarized several setbacks experienced by Quik Trip resulting in unexpected delays. Mayor Earwood requested that the permit renewal fees be waived.

CM Gordon summarized the request to waive the storm-line permitting fee since ultimately the main line will be transferred to the City in a dedicated right-of-way easement.

CM Holland asked if the completion date is expected to be delayed. CS Gregory replied that the completion date would probably be later than expected.

CM Holland asked if the permitting fees meet or exceed the anticipated fees. CS Gregory stated that the actual fees collected are much less than the anticipated \$50,000. CS Gregory added that the fees received are sufficient and a waiver of fees would not result in a loss.

CM Holland moved, seconded by CM Butler, to extend the permit expiration dates for Quik Trip for a total time of one year and to waive the permitting fees for the excavation permit. All voted "Aye."

11. CONSIDER APPROVAL TO SET OR WAIVE PERMITTING FEES FOR EXCAVATION PERMIT IN ORDER TO RELOCATE THE 30-INCH STORM WATER MAIN ON THE PROPERTY AT 2601 JACKSBORO HIGHWAY.

Agenda items 10 and 11 were discussed concurrently. Refer to agenda item 10 for discussion.

Action was taken concurrently with agenda item 10 as follows: CM Holland moved, seconded by CM Butler, to extend the permit expiration dates for Quik Trip for a total time of one year and to waive the permitting fees for the excavation permit. All voted "Aye."

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

CA Elam reported that the bank has agreed to pay \$1,500 of the accrued civil penalties at 4525 Almena upon approval from the Council.

CM Gordon moved, seconded by CM Ashton, to reduce the civil penalties at 4525 Almena to \$1,500. All voted "Aye."

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

CA Elam reported that the bank intends to demolish the structure on this property to bring the property into compliance. The bank has agreed to pay \$3,000 of the accrued civil penalties upon approval from the Council.

CM Gordon moved, seconded by CM Butler, to amend the civil penalties order at 1409 Lawrence to \$3,000 upon completion of the demolition of the structures and removal of all debris. All voted "Aye."

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

CA Elam reported that the bank has a potential buyer that is willing to assume the \$150,000 in civil penalties. CA Elam recommended no action on this property at this time.

Mayor Earwood asked CS Gregory if the \$4,500 for Almena and Lawrence would cover the cost of attorney fees. CA Elam replied that the last amount for attorney fees that she had seen was approximately \$2,700 and therefore the \$4,500 should cover attorney fees for Almena, Lawrence, and Churchill.

No action was taken.

10. CONSIDER APPROVAL TO EXTEND PERMIT EXPIRATION DATES FOR QUIK TRIP NEW CONSTRUCTION PERMITS.

Agenda items 10 and 11 were discussed and action was taken prior to agenda item 7.

11. CONSIDER APPROVAL TO SET OR WAIVE PERMITTING FEES FOR EXCAVATION PERMIT IN ORDER TO RELOCATE THE 30-INCH STORM WATER MAIN ON THE PROPERTY AT 2601 JACKSBORO HIGHWAY.

Agenda items 10 and 11 were discussed and action was taken prior to agenda item 7.

12. CONSIDER APPROVAL OF THE CASTLEBERRY SPRING SPORTS POSTER SPONSORSHIP

Concern was mentioned that the City cannot set precedence by supporting every organization, especially if it is not actually the school but is an outside organization such as booster clubs. A representative was not present for clarification.

CM Gordon moved, seconded by Mayor Pro Tem Crews, to deny the sponsorship of the Castleberry Spring Sports Poster. All voted "Aye."

13. CONSIDER APPROVAL OF TARRANT COUNTY EMERGENCY SERVICES DISTRICT MUTUAL AID AGREEMENT FOR FY 2013

Interim FC Hawkins made a recommendation to renew the annual mutual aid agreement.

CM Gordon moved, seconded by CM Ashton, to approve the Tarrant County Emergency Services District Mutual Aid Agreement for FY 2013. All voted "Aye."

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

EMC Myrick reported 1,754 cases of West Nile in Tarrant County with 79 fatalities. Recent testing has resulted in zero positives in mosquito testing in the last several weeks. Due to the gulf coast area still reporting positive testing results, the State of Texas remains on level 3 alert. CM Gordon suggested that the City educate the public prior to the beginning of the active West Nile season next year.

No action was taken.

15. CONSIDER APPROVAL OF ANIMAL SHELTER AGREEMENT WITH THE CITY OF SANSOM PARK.

PC Carter recommended continuing with the current arrangement at Sansom Park Animal Shelter pending the receipt of details from Chief Driver. PC Carter mentioned possibly expanding the current facility or constructing a new facility as a joint effort with Sansom Park.

Mayor Pro Tem Crews moved, seconded by CM Butler, to allow PC Carter to consider working with Sansom Park on the animal shelter and bring an agreement to the next regular meeting of the City Council. All voted "Aye."

16. CONSIDER APPROVAL TO CANCEL THE NOVEMBER 27, 2012 COUNCIL MEETING PURSUANT TO SECTION 1.03.001 "MEETINGS OF THE RIVER OAKS CITY COUNCIL" OF THE RIVER OAKS CODE OF ORDINANCES.

Mayor Earwood explained that the Charter requires one regular meeting per month.

Mayor Pro Tem Crews announced that on December 11, 2012 the regular meeting of the City Council would be held at the Community Center following the PLMC Public Hearing that begins at 5:30 p.m.

Mayor Pro Tem Crews moved, seconded by CM Butler, to cancel the November 27, 2012 Council Meeting. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

17. **PUBLIC HEARING:** *TO CONSIDER PUBLIC COMMENTS ON ABOLISHING, MODIFYING OR CONTINUING WITH THE CITY'S JUVENILE CURFEW ORDINANCE AS PROVIDED FOR IN ARTICLE 8.02, DIVISION 2 OF THE RIVER OAKS CODE OF ORDINANCES.*

At 7:40 p.m. Mayor Earwood opened the public hearing.

Mayor Earwood stated that the City is required to adopt the curfew ordinance every three years. PC Carter spoke in favor of the curfew ordinance.

At 7:42 p.m. Mayor Earwood closed the public hearing.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL PURSUANT TO SECTION 370.002 OF THE LOCAL GOVERNMENT CODE FOLLOWING A PUBLIC HEARING AND REVIEW TO ABOLISH, CONTINUE OR MODIFY THE CITY'S JUVENILE CURFEW ORDINANCE BY THE CITY COUNCIL THRU THE ADOPTION OF ORDINANCE **#959-2012**.

CM Gordon moved, seconded by CM Butler, to approve Ordinance #959-2012. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF **RESOLUTION # 749-2012** OF THE CITY OF RIVER OAKS AMENDING SECTION 7.03 "EMPLOYEE APPEARANCE" OF THE CITY'S PERSONNEL POLICY.

Assistant CS Luck presented the request to amend the personnel policy allowing any length of boot provided that the skirt is in compliance with the personnel policy.

CM Butler moved, seconded by CM Gordon, to approve Resolution # 749-2012. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE # 960-2012** AMENDING ARTICLE 12.04, "SPEED", SPECIFICALLY IN SECTION 12.04.001 "MAXIMUM LIMITS NEAR SCHOOLS, CHURCHES, PARKS" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY REVISING THE SCHOOL ZONE FOR CASTLEBERRY HIGH SCHOOL AND IRMA MARSH MIDDLE SCHOOL TO INCLUDE BLACKSTONE DRIVE.

PC Carter requested that Blackstone be incorporated into the school zone ordinances.

Mayor Pro Tem Crews moved, seconded by CM Ashton, to approve Ordinance #960-2012. All voted "Aye."

21. CONSIDER APPROVAL OF **ORDINANCE # 961-2012** AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.05.012 SPECIAL STOP INTERSECTIONS AT THE INTERSECTIONS OF RED OAK LANE WITH KEITH PUMPHREY, KEITH PUMPHREY AT OHIO GARDEN RD., INTERSECTION AT 4905 GREEN OAKS DRIVE AND AT THE INTERSECTION OF CARONDOLET COURT WITH BLACK OAK LANE.

PC Carter requested stop signs at Red Oak and Keith Pumphrey, Keith Pumphrey and Ohio Garden, 4905 Green Oaks, and Carondolet and Black Oak.

CM Gordon moved, seconded by CM Butler, to approve Ordinance #961-2012. All voted "Aye."

STAFF REPORTS:

22. REPORT BY CITY SECRETARY ON THE FINAL FISCAL YEAR 2011-2012 OPERATIONAL BUDGET.

CS Gregory reviewed the final General Fund, Water Fund, EDC, Crime and Storm Water Budgets for the 2011-2012 fiscal year. CS Gregory reported additional revenue of approximately \$75,000 in permits and \$25,000 in sales tax that was unbudgeted resulting in total deficit of approximately \$30,000. Concern was expressed that over spending would have resulted in much larger deficit had this additional revenue not been received. CS Gregory cautioned department heads to make a realistic budget and follow it.

No action was taken.

23. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 1129 ST. EDWARDS - CS Gregory reported that the City is awaiting disbursement information from the county on this property.

No action was taken.

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

Inspector Sanders gave the following updates on substandard properties:

- 715 ISBELL - Sanders reported continual progress.
- 5032 SHERWOOD – Sanders reported no inspections or contact.

- 620 WORTHVIEW – Sanders reported no inspections or contact.
- 1609 NANCY LANE – Sanders reported continual progress.
- 809 GUSTAV – This property will be presented to the Council for non-compliance.
- 1619 YALE – This property will be presented to the Council for non-compliance.
- 4841 SHERWOOD – This property will be presented to the Council for non-compliance.
- 606 WORTHVIEW – This property will be presented to the Council for non-compliance.

No action was taken.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

25. **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 stated that the monthly report for October would be in the next packet.

No action was taken.

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

Hawkins reported a one alarm fire on Thersa that resulted in one fire fighter being sent to the hospital for over-exertion. The structure was reported a total loss. Mayor Earwood commended the fire department on their ability to contain the fire preventing it from spreading to neighboring properties.

Hawkins reported that Westworth Village Fire Department was present at the fire and their equipment malfunctioned. Hawkins stated that River Oaks had loaned a unit to Westworth Village that has been returned.

Hawkins commended the police department and public works department for their cooperative efforts during this event.

No action was taken.

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

Mayor Earwood introduced Fabian Neathery as the new code compliance officer.

No action was taken.

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

No discussion or action.

29. **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.

30. **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.

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

No discussion or action.

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

Mayor Pro Tem Crews asked when the new performer's agreements take effect. Staff replied that the agreements took effect November 1, 2012 and that the Directors have since turned in paperwork for one event under the new agreements.

No action was taken.

33. **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.

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

No discussion or action.

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

No action was taken.

PUBLIC FORUM:

36. 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 encouraged viewing the newly constructed Giggles Therapy building on Roberts Cut Off.

Mayor Earwood commended Hub Makarwich on the addition to the daycare on Roberts Cut Off.

Dora Smith, 916 Gillham, presented her concern that she must pay a new deposit on the property which she assumed from her mother's estate. Ms. Smith stated that she has lived in the house continually since 1989, when she moved in with her mother. Mayor Earwood stated that on at least one other occasion, this requirement has been waived. CM Holland explained that the requirement was created to prevent a deposit that was set many years ago, transferring from occupant to occupant without being updated. CM Holland explained that as the responsible person changes, the deposit should be updated. CA Elam stated that this subject is not posted on the agenda and no action could be taken. Ms. Smith was told that she could complete an agenda request form to be placed on the agenda for the next scheduled meeting on December 11, 2012. Staff was directed not to take any action on this utility account until that time.

Casey Zandt, Community Waste Disposal, requested that the Council considering the bidding process when the contract for commercial waste disposal expires in September 2013.

CM Butler recognized PWD Hatley for obtaining his Water and Waste Water Operators License.

CM Butler announced that the Community Luncheon would be held on November 27, 2012 at the Community Center.

Wayne Butler asked when a "shredder" would be available for community use. CS Gregory offered to work with PC Carter to create a community event.

CM Holland expressed appreciation to the community for supporting the annual MPS Run.

CM Gordon commended the Police Department for a heroic job rescuing her neighbor that was trapped under a tree.

CM Gordon commended the Animal Control Officer, Fire Department and Police Department for their participation in ridding her neighborhood of a raccoon with distemper.

Mayor Earwood gave a reminder that the employee and volunteer Christmas Banquet would be held on December 7, 2012.

EXECUTIVE SESSION:

37. 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:

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

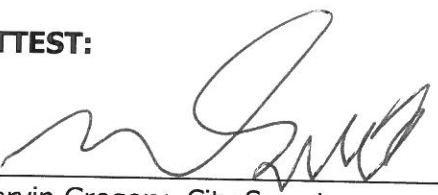
None.

ADJOURN:

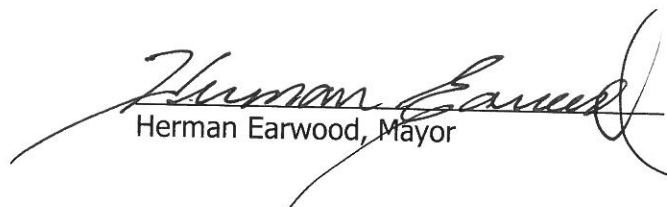
39. ADJOURN

At 8:48 p.m. CM Holland moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye."

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor