

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 9, 2013**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
POLICE CHIEF AVIN CARTER
FIRE CHIEF CHRIS HAWKINS
ASSISTANT CITY SECRETARY PAULA LUCK
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
PUBLIC WORKS DIRECTOR JAMES HATLEY
RECORDING 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, July 9, 2013 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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION**

- MINUTES OF REGULAR COUNCIL MEETING JUNE 28, 2013
- BILLS PAYABLE FOR PERIOD ENDING JULY 9, 2013
- RATIFICATION OF RECOMMENDATION FOR HIRING AND/OR RESIGNATION OF POLICE DISPATCHERS

Mayor Pro Tem Gordon mentioned two typographical errors in the minutes.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, and C with the noted changes. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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 OF REQUEST FROM RONALD E. BARNES TO WAIVE LIEN PURSUANT TO CHAPTER 342 "HEALTH AND SAFETY CODE" FILED ON PROPERTY AT 4916 THURSTON ON OCTOBER 4, 2002.

Ronald Barnes, property owner, was present to request a waiver for a lien placed on his property in 2002. Mr. Barnes contested that proper notification of a violation was not given to him, as the owner since 1999.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to reduce the lien amount to \$193.

CM Ashton stated that the owner should not be liable for any portion of the lien due to improper notification.

CM Butler, CM Holland, CM Crews, and Mayor Pro Tem Gordon voted "Aye." CM Ashton voted "Nay." Motion passed.

8. CONSIDER APPROVAL OF REQUEST BY JIM GROSS REQUESTING A WAIVER IN ORDER TO KEEP TWO HORSES ON THE PROPERTY AT 5826 BLACK OAK LANE IN VIOLATION OF SECTION 2.03.001 "LIVESTOCK" OF THE RIVER OAKS CODE.

Jim Gross was present to request a waiver in order to have two horses on the property. Mr. Gross indicated that the property is approximately 4 acres. He intends to install pipe fencing and a barn for the horses. Mr. Gross stated that most city ordinances allow one horse an acre and an additional horse per acre or half acre.

Council Members discussed researching and possibly changing the ordinance to be consistent with area cities.

James Myrick whose property abuts this property asked if Mr. Gross has a current survey to insure the ownership of the fence. Mr. Gross agreed to obtain a survey and adhere to the property lines.

James Myrick expressed concern related to horse manure. Mr. Gross stated that he has someone remove the manure from the property for resale.

Greg Hendrickson, whose property is across the street, spoke in favor of approving the waiver.

John Claridge mentioned a distance rule that could be considered in the ordinance revision.

CS Gregory stated that the ordinance requires a livestock permit and the distance rule is in the current ordinance.

Mayor Earwood requested Mayor Pro Tem Gordon and CM Crews research the subject and bring an ordinance revision to the Council.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the request by Jim Gross requesting a waiver in order to keep two horses on the property at 5826 Black Oak Lane in violation of Section 2.03.001 "Livestock" of the River Oaks Code provided that the required permit is obtained and all other requirements of the code are adhered to. All voted "Aye."

9. CONSIDER APPROVAL TO AWARD THE BID FOR THE SHEAR DRIVE STORM SEWER AND STREET IMPROVEMENTS PROJECT.

Mickey Thomas, MJ Thomas Engineering, recommended the second low bidder, Tejas Commercial Construction, after reviewing the references and qualifications of the low bidder, PC Construction. Mr. Thomas quoted Tejas Commercial Constructions bid at \$75,227 for the base with an alternate bid of \$29,316 if necessary. Mr. Thomas stated that \$17,000 would possibly be removed for the water line relocate and an additional \$12,000 may be split with the school district.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the engineer's recommendation with Tejas Commercial Construction for a total not to exceed \$92,000 out of the Storm Water Fund. All voted "Aye."

CM Holland expressed concern that only a couple of residential properties are affected by this project and he recommended that future projects be considered that affect the most number of citizens.

10. CONSIDER APPROVAL OF CHANGE ORDER ON THE LONG WATER LINE PROJECT DUE TO TXDOT PERMITTING REQUIREMENTS.

CS Gregory presented a change order for the Long Avenue water line project due to a request by TXDOT for underground boring at Jacksboro Highway and Long.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve the change order on the Long water line project not to exceed \$2,770. All voted "Aye."

11. CONSIDER APPROVAL OF 2013 AERIAL PHOTOGRAPHY LICENSING AGREEMENT WITH N.C.T.C.O.G.

CS Gregory recommended participation in the agreement for aerial photographs. CM Ashton, CM Crews, and FC Hawkins spoke in favor of the quality of the photos versus other avenues.

CM Ashton moved, seconded by CM Crews, to approve the 2013 aerial licensing agreement with N.C.T.C.O.G for \$133. All voted "Aye."

12. CONSIDER APPROVAL OF THE FY 2014 STREET IMPROVEMENT PROJECT WITH TARRANT COUNTY

PWD Hatley requested to seal coat Lawrence, Almena, and Langley.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve the FY 2014 street improvement project with Tarrant County. All voted "Aye."

13. DISCUSSION AND/OR ACTION ON PROPOSED FY 2014 CITY OPERATIONAL BUDGETS AS PRESENTED BY THE CITY ADMINISTRATOR.

CS Gregory presented a draft copy of the proposed budget for council members to review prior to the first budget meeting on July 16, 2013.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF **ORDINANCE # 988-2013** AMENDING ARTICLE 1.04 "BOARDS AND COMMISSIONS" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED BY REPEALING DIVISION 4 "STRATEGIC PLANNING COMMITTEE".

Mayor Earwood recommended this board be abolished due to the proactive role of the Economic Development Corporation.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Ordinance #988-2013. All voted "Aye."

PUBLIC FORUM:

15. 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**

John Claridge inquired about the turning lane on Roberts Cut Off near the elementary school. PWD Hatley reported that an island would be made around the telephone poles allowing cars to then turn into school.

CM Crews thanked the volunteers that assisted with the All American Celebration.

Mayor Pro Tem Gordon complimented the All American Celebration, thanking those who participated.

EXECUTIVE SESSION:

16. 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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.
- Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

17. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

18. ADJOURN

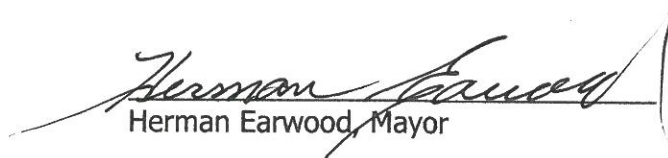
At 8:00 p.m. Mayor Pro Tem Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary


Herman Earwood, Mayor