

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 22, 2012**

MEMBERS PRESENT:

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

MEMBERS PRESENT:

COUNCIL MEMBER STEVE HOLLAND (FAMILY MEDICAL)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
FIRE CHIEF RON SHORT
POLICE CHIEF AVIN CARTER
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICE MANAGER PAULA LUCK
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

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, May 22, 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

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

4. READING OF PROCLAMATION(S) BY MAYOR:

- Texas Girl Choir 50TH Year Anniversary
- Click-It-or-Ticket Mobilization Program

Mayor Earwood read a proclamation congratulating the Texas Girls' Choir on their 50th Anniversary.

Mayor Earwood read a proclamation supporting May 21st – June 3rd 2012 as Click It or Ticket Campaign.

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 MAY 8, 2012

B. MINUTES OF COMMUNITY FORUM MAY 10, 2012

C. BILLS PAYABLE FOR PERIOD ENDING MAY 22, 2012

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, and C as presented. 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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 APPROVAL OF EMPLOYEE HEALTH, LIFE & MEDICAL INSURANCE RATES FOR PLAN YEAR JULY 2012-JUNE 2013---PRESENTED BY DAWN BRINSON, BRINSON BENEFITS.

Dawn Brinson of Brinson Benefits summarized the proposed employee insurance rates and benefits for the period of July 2012 through June 2013.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the employee health, life and medical insurance rates for plan year July 2012 through June 2013. All voted "Aye."

8. CONSIDER APPROVAL OF CHANGE ORDER FOR THE REHABILITATION OF BACKWASH HOLDING PONDS AND RECIRCULATION FACILITIES BY ADOPTION OF **ORDINANCE 924-2012** THAT AMENDS THE FY 2011-2012 WATER FUND BUDGET.

CS Gregory stated that the design plan from 1993 is not accurate. CS Gregory explained that an additional 4 to 7 feet of silt must be removed and replaced with an appropriate material. This project was originally approved at \$297,000.

Bill Lohrke, Project Engineer, stated that the additional project cost, after negotiations, is \$40,600 for a total contract price of \$338,100. In addition, the contractor has requested an additional 80 days to complete the project.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #924-2012 and to include the change order request of an additional 80 calendar days for completion. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON REQUEST BY RICKEY LUTTRULL AT 1108 MERRITT TO APPEAR BEFORE COUNCIL REGARDING GARAGE SALE REQUIREMENTS

Mr. Luttrull was not present.

Mayor Earwood stated his recommendation to retain the current ordinance allowing two yard sales per year.

No action was taken.

10. CONSIDER APPROVAL TO EXPEND FUNDS FROM FIRE DEPARTMENT DOLLAR DONATION FUND FOR EXPANDING THE STORAGE AREA IN THE FIRE STATION.

FC Short explained that the Fire Department currently has some elevated storage space that is not accessible. FC Short requested \$1,600 from the Fire Department's dollar donation fund to increase the elevated storage space and install a staircase to the storage area.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to allow the Fire Department \$1,600 from the dollar donation fund to increase storage space and install a metal stair case. All voted "Aye."

11. CONSIDER APPROVAL OF REQUEST OF SHANE MILLER TO HOLD GOLD BUYING PARTIES AT THE COMMUNITY CENTER.

[CM Butler left the dais, having filed a conflict of interest form with City Secretary.]

Shane Miller, representing Gold Rush America, presented several options for holding gold buying events at the Community Center. Mr. Miller hosts home parties as well as fundraising events. Mr. Miller stated that the Community Center would receive 15% of the proceeds of an onsite fundraising event. Mr. Miller offered to donate an additional 10% to the Community Center from his profits. Mr. Miller stated that identification and thumbprints are required from each client to comply with state law. Mr. Miller agreed to provide security during any events at the Community Center. Mr. Miller stated his idea of placing a sign-up sheet and perhaps an advertisement table during some community events. Mr. Miller stated that checks are issued as payment. CM Crews mentioned a concern that the Community Center is becoming a business forum.

It was decided that Mr. Miller could proceed with coordination from the Community Center Directors. CM Crews re-stated the requirement for security during buying events.

No action was taken.

[CM Butler returned to the dais.]

12. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR COMPUTER PURCHASE AND SOFTWARE UPGRADE.

It was stated that a computer at the Community Center had crashed and been replaced.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to expend funds from the Community Center dollar donation fund for the purchase of a computer and software upgrade. All voted "Aye."

13. CONSIDER APPROVAL TO CONTRACT WITH CODE SOLUTIONS INC. FOR ENERGY CODE PLAN REVIEW

CS Gregory explained that Staff is not certified to perform the energy code plan reviews for projects such as the construction of Castleberry Elementary and W.O. Barnes Stadium. CS Gregory recommended that the Council authorize the Mayor to execute an agreement with Code Solutions for these services.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve contracting with Code Solutions Inc. for energy plan review of Castleberry Elementary and W.O. Barnes Stadium. All voted "Aye."

14. DISCUSSION AND/OR ACTION ON POLITICAL SIGNAGE FOR THE JUNE 23RD RUNOFF ELECTION.

Mayor Earwood stated that the sign ordinance does not provide guidelines for political signs for runoff elections.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to direct Staff to change the ordinance to allow political signs until someone is elected. All voted "Aye."

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

CM Crews explained that the current amount received by Council for mileage must be proved as actual mileage and the remainder accounted for as compensation. CM Crews recommended for Council Members to turn in actual mileage on a monthly basis retaining the current policy maximum of \$100 per month. CM Crews added that travel outside of 50 miles would not be impacted by this change.

CM Crews moved to change the mileage procedure to expense reports that would be turned in no less than one time per month and paid at the current government approved rate not exceed the current maximum. No second, motion failed.

Following additional discussion, CA Elam suggested that mileage be paid on an expense report basis only.

CM Crews moved, seconded by CM Butler, for council members to document mileage on a form created by Staff that would be turned in monthly for reimbursement. All voted "Aye."

ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

16. CONSIDER APPROVAL OF RESOLUTION **NO. 730-2012** CANVASSING ELECTION RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 12, 2012 FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS PLACES 2 AND 4.

CS Gregory read the official canvass report as follows: For Council Member Place 2 – Steve Holland 212 votes; For Council Member Place 4 – Joe Ashton 142 votes, Sherrie Uptmore Dast 102 votes, and Walter Caraway 74 votes. Place 4 resulted in a run-off election between the top

two candidates-Joe Ashton and Sherrie Uptmore Dast. Place 2 resulted in the election of Steve Holland.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution #730-2012. All voted "Aye."

16. CONSIDERANDO LA APROBACION DE LA RESOLUCION **NO. 730-2012** SONDEANDO LAS DEVOLUCIONES DE LA ELECCION Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL QUE SE LLEVO A CABO EL 12 DE MAYO DEL 2012 PARA EL PROPOSITO DE ELEGIR LOS LUGARES 2 Y 4 PARA CONSEJALES DE LA CIUDAD.

CS Gregory dio lectura a el siguiente reporte oficial: Para Miembro de Concilio Lugar 2 – Steve Holland 212 votos; Para Miembro de Concilio Lugar 4 – Joe Ashton 142 votos, Sherrie Uptmore Dast 102 votos, y Walter Caraway 74 Votos. El Lugar 4 resulto en una elección de desempate entre los 2 mas altos candidatos – Joe Ashton y Sherrie Uptmore Dast. El Lugar 2 resulto en la elección de Steve Holland.

CM Butler presento moción, secundado por el Alcalde pro Tem Gordon, para aprobar Resolución # 730-2012. Todos votaron "Afirmativo"

17. CONSIDER APPROVAL OF **RESOLUTION NO. 731-2012** CALLING FOR A RUNOFF ELECTION FOR CITY COUNCIL MEMBER PLACE 4 TO BE HELD ON JUNE 23, 2012; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #731-2012. All voted "Aye."

17. CONSIDERANDO LA APROBACION DE LA **RESOLUCION NO. 731-2012** CONVOCANDO A UN DESEMPATE EN LA ELECCION DEL CONCEJAL LUGAR 4 QUE SE LLEVARA A CABO EL 23 DE JUNIO DEL 2012; APROBANDO UNA ELECCION CONJUNTA CON EL CONDADO TARRANT; Y ESTABLECIENDO LOS PROCEDIMIENTOS PARA TAL ELECCION; Y PROPORCIONANDO UNA FECHA EFECTIVA.

No ocurrio discusión.

Alcalde Pro Tem Gordon presento moción, secundado por MC Crews, para aprobar Resolución # 731-2012. Todos votaron "Afirmativo"

18. DRAWING TO DETERMINE THE ORDER IN, WHICH THE NAMES OF CANDIDATES ARE TO BE PRINTED ON THE BALLOT FOR THE CITY MUNICIPAL RUNOFF ELECTION FOR CITY COUNCIL PLACE 4 TO BE HELD ON JUNE 23, 2012.

With both candidates present, numbers were drawn for the order that names will be placed on the ballot: 1-Joe Ashton; 2-Sherrie Uptmore Dast.

No action was taken.

18. SORTEO PARA DETERMINAR EL ORDEN, EN EL CUAL SE IMPRIMIRAN LOS NOMBRES DE LOS CANDIDATOS EN LA TARJETA ELECTORAL PARA LA ELECCION MUNICIPAL DE LA CIUDAD DE DESEMPATE DEL CONCEJAL LUGAR 4 QUE SE LLEVARA A CABO EL 23 DE JUNIO DEL 2012.

Con los dos candidatos presentes, se sortearon los nombres para el orden en que los nombres serán colocados en la boleta: 1-Joe Ashton; 2-Sherrie Uptmore Dast.

No se tomo acción.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF **RESOLUTION NO. 729-2012** PERMITTING AN ALL AMERICAN FESTIVAL

It was mentioned that the correct resolution number for this item is 732-2012. No other discussion occurred.

CM Crews moved, seconded by CM Butler, to approve Resolution #732-2012. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE NO. 925-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM COMMUNITY CENTER DOLLAR DONATIONS.

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve Ordinance #925-2012. All voted "Aye."

21. CONSIDER APPROVAL OF **ORDINANCE NO. 926-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM FIRE DEPARTMENT DOLLAR DONATIONS.

No discussion occurred.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance #926-2012. All voted "Aye."

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

Inspector Sanders gave the following updates on substandard properties:

- 1129 ST. EDWARDS – CS Gregory stated that the tax attorney recommends re-bidding this property in July with some property owned by other local entities.

- 5314 ½ AMHERST – Sanders reported that notice to demolish was sent to the owner. The structure will be demolished after May 25, 2012.
- 1205 CHURCHILL – This is a bank owned property that has been assessed civil penalties by the City Council. No change or contact to report.
- 1409 LAWRENCE – Staff was contacted today for an updated list of violations.
- 4525 ALMENA – This is a bank owned property that has been assessed civil penalties by the City Council. No change or contact to report.

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

- 1712 LAWTHORP – Christmas in Action had been working with the owner of this property to obtain compliance. The public hearing for this property will be continued on June 12, 2012
- 720 WINTERS – There is an active permit that expires on June 7, 2012.
- 4824 SHERWOOD – Only cabinets remain, staff is awaiting final inspection
- 715 ISBELL – Continual progress with permits expiring in June.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

24. 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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

28. **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.

29. **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.

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

Hub Makarwich, Park Board Chairman, requested an update of signage for the parks related to dogs being prohibited on the fields. CS Gregory replied that the signs have been sent to the printer.

No action was taken.

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

No discussion or action.

32. **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.

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

No discussion or action.

34. **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 discussion or action.

PUBLIC FORUM:

35. 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**

Sherrie Dast reported a pot-hole at the intersection of Byrd and Highway 183.

CM Crews gave a reminder of the Planning for Living Military Communities Program on June 5, 2012 at the Community Center from 6:00-8:00 p.m.

Mayor Pro Tem Gordon gave a reminder of an America the Beautiful event at the Community Center at 7:30 p.m. this Saturday.

Mayor Earwood commented on the improving appearance of the Caravan.

PC Carter announced his 30-year anniversary with the City.

EXECUTIVE SESSION:

36. 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:
- 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:

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.


ADJOURN:

38. ADJOURN

At 8:29 p.m. Mayor Pro Tem Gordon moved, seconded by CM Crews, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:


Marvin Gregory, City Secretary
Herman Earwood, Mayor