

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JANUARY 22, 2013**

**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  
POLICE CHIEF AVIN CARTER  
INTERIM FIRE CHIEF CHRIS HAWKINS (AT 7:32 P.M.)  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
PARK BOARD CHAIR HUB MAKARWICH  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
CODE COMPLIANCE OFFICER FABIAN NEATHERY  
CODE COMPLIANCE OFFICER JOHN PAUL JONES  
SECRETARY SUSAN STEWART  
CITY ATTORNEY DREW LARKIN (FOR 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, January 22, 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

The pledges of allegiance to the United States and the Texas Flags were recited.

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 JANUARY 8, 2013

B. BILLS PAYABLE FOR PERIOD ENDING JANUARY 22, 2013

C. RATIFY RECOMMENDATION TO HIRE ERECA SAUCEDA AS A SCHOOL CROSSING GUARD IN POLICE DEPARTMENT.

D. RATIFY RECOMMENDATION TO HIRE MONTE MONTELONGO AS A RESERVE POLICE OFFICER IN POLICE DEPARTMENT.

E. APPROVAL OF 1<sup>ST</sup> QUARTER FY 2013 ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT.

F. APPROVAL OF 1<sup>ST</sup> QUARTER FY 2013 CRIME CONTROL AND PREVENTION DISTRICT QUARTERLY REPORT.

G. APPROVAL OF 1<sup>ST</sup> QUARTER FY 2013 INVESTMENT REPORT

**CM Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, C, D, E, F, and G 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION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. APPROVAL OF REQUEST BY CONNIE SALDAÑA TO REDUCE FEES FOR RENTALS AT MCGEE PARK AND REQUEST TO PLACE SIGNAGE IN THE CITY ADVERTIZING THEIR YOUTH TOURNAMENT FUNDRAISER

It was announced that the representative might be late. This agenda item was discussed after agenda item 20.

8. CONSIDER APPROVAL TO SET FEES FOR RETAIL SALE OR SERVICE OF ALCOHOLIC BEVERAGES AT THE QUIK TRIP CONVENIENCE STORE AT 2601 JACKSBORO HWY. PURSUANT TO SECTION A.02.001©17 OF THE RIVER OAKS CODE OF ORDINANCES

CS Gregory requested direction from the Council related to the collection of fees for the sale of alcoholic beverages, specifically related to the new Quik Trip. Ordinance allows the city to levy a fee of up to one-half of the state fee.

CS Gregory stated that Staff would contact TABC regarding the state fees that have been established for the existing businesses and assess those as necessary.

Staff was directed to assess the fees at 50% of the state fee as allowed in the city ordinance for all applicable businesses.

**No formal action was taken.**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

9. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC INPUT ON THE 39<sup>th</sup> YEAR (FY 2013) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

At 7:07 p.m. Mayor Earwood opened the public hearing.

PWd Hatley passed out questionnaires to all in attendance, for public input, regarding the City's proposal for the 39<sup>th</sup> year CDBG Program. The reported tabulations of the public questionnaires resulted in sewer lines ranking number 1, followed by water lines. Staff's recommendation for this year's project was in accordance with the Sanitary Sewer Outreach (SSO) Initiative Agreement with TCEQ which mandates the City to renovate all deteriorated sewer lines. Staff recommended the replacement of the sewer line in the 5000 block of Sherwood in the amount of \$105,754.00. Staff anticipates CDBG funding in the amount of up to \$80,000 and recommended the City pledge an additional \$30,000 to complete the project.

At 7:12 p.m. Mayor Earwood closed the public hearing.

10. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RESOLUTION # 752-2013** AUTHORIZING THE CITY SECRETARY TO SUBMIT THE 39<sup>TH</sup> YEAR CDBG PROJECT SUBMITTAL FOR THE CITY OF RIVER OAKS TO TARRANT COUNTY COMMUNITY DEVELOPMENT

**CM Gordon made the following motion, "I move to adopt Resolution #752-2013 authorizing the submittal of the City's CDBG project proposal of approximately \$105,754.00 for the 39<sup>th</sup> year CDBG Program (FY2013) as recommended by the Public Works Director, authorizing the City pledge of \$30,000 to the project and designating E.S. & C.M. Engineering as the project engineer in the 5000 block of Sherwood." Motion seconded by CM Butler. All voted "Aye."**

11. CONSIDER APPROVAL OF **RESOLUTION NO. 753-2013** AUTHORIZING E.S.&C.M. ENGINEERING TO RECOMMEND TO TARRANT COUNTY THE AWARD OF THE CONTRACT TO ARK CONTRACTING SERVICES, LLC FOR THE 38<sup>TH</sup> YEAR CDBG PROJECT AND PROVIDING A CITY PLEDGE OF \$70,000 DOLLARS TO THE PROJECT

Keith Hamilton, E.S. & C. M. recommended (based on the bids received) Ark Contracting Services to Tarrant County for the 38<sup>th</sup> year CDBG project in the amount of \$172,195.00 with the City pledge being \$70,000.00.

**CM Gordon moved, seconded by CM Ashton, to approve Resolution #753-2013 authorizing E.S. & C. M. Engineering Inc to recommend to Tarrant County the acceptance of Ark Contracting Services LLC of Kennedale, Texas as the low bidder on the 38<sup>th</sup> year CDBG Community Development Block Grant (CDBG) Program for the City of River Oaks with a city pledge of \$70,000.00. All voted "Aye."**

12. **PUBLIC HEARING CONTINUED: SUBSTANDARD ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 606 WORTHVIEW DR.**

Mayor Earwood announced that this public hearing was continued from January 8, 2013.

Inspector Sanders reported that the electrical violations have been corrected. Sanders reported a plumbing violation (tp-line) and a dilapidated accessory structure that will be enforced under order of the building official. CS Gregory reported that if the violations are not corrected, Staff will bring back to Council in 45-60 days.

At 7:26 p.m. Mayor Earwood closed the public hearing.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

**No action was taken.**

**OTHER ITEMS FOR COUNCIL CONSIDERATION AND/OR APPROVAL:**

14. 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 Larkin stated that he would update Council in executive session and recommended no action be taken.

**No action was taken.**

15. CONSIDER APPROVAL TO REVISE COMMUNITY CENTER RENTAL POLICIES AND PROCEDURES

CS Gregory presented the recommended changes to the community center rental policy as follows:

- a. The renter shall be charged an additional hour rental fee for time frames exceeding 15-minutes or more
- b. Remove the provision that a community center staff member must open and close the facility and set the thermostat for employees
- c. The renter, when an employee, shall be charged an additional hour rental fee for time frames exceeding 15-minutes or more
- d. Remove the ability to pay a deposit by check
- e. Remove the requirement to clean receptacles for tobacco use
- f. Helpful Hints were added
- g. Remove \$25 fee for employees for a community center employee to open and close the center

It was agreed that the monitor would be paid from the beginning to the end of the rental time. If the renter requires additional time for setup or temperature regulation, they must include that in the rental time.

**CM Holland moved, seconded by CM Butler, to approve the changes to the Community Center Policy as discussed.**

CM Gordon requested that the policy be emailed to Council Members with the incorporated changes.

16. DISCUSSION AND/OR ACTION ON AUTO ALLOWANCE AND EMPLOYEE COMPENSATION UNDER THE I.R.S. TAX CODE

CM Holland presented the recommendation of the finance committee to comply with the IRS opinion that elected officials are employees for withholding purposes. The finance committee does not recommend placing the Fire Department as employees at this time.

**CM Holland moved, seconded by CM Gordon, to modify the council meeting pay and auto allowance to be reported as a W2 and subject to payroll taxes for the City Council and Municipal Judge.**

Mayor Pro Tem Crews pointed out that the charter states that employees may not be elected officials and a charter amendment may be necessary. CM Holland felt that this provision is an IRS regulation for income tax purposes only and does not change what the Charter provides that employees may not be elected officials.

17. CONSIDER APPROVAL OF APPOINTMENTS TO STORM WATER TASK FORCE FOR CODE COMPLIANCE AND ALTERNATE MEMBER

It was recommended for John Paul Jones to be appointed as the Code Compliance Member and Fabian Neathery as the Alternate Member to the Storm Water Task Force.

**CM Ashton moved, seconded by CM Butler, to appoint John Paul Jones as the Storm Water Task Force Code Compliance Member and Fabian Neathery as the Alternate Member. All voted "Aye."**

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

18. CONSIDER APPROVAL OF **RESOLUTION NO. 754-2013** AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

It was noted that this is an annual agreement and remains unchanged from the previous year.

**Mayor Pro Tem Crews moved, seconded by CM Gordon, to approve Resolution #754-2013. All voted "Aye."**

19. CONSIDER APPROVAL OF **RESOLUTION NO. 755-2013** ENDORSING CERTAIN LEGISLATIVE ACTION IN THE REGULAR SESSION OF THE 83RD TEXAS LEGISLATURE TO ENHANCE THE COMPETITIVE ELECTRIC MARKET AND SYSTEM RELIABILITY AND TO PROTECT THE TRADITIONAL ROLE OF CITIES IN THE REGULATORY PROCESS

No discussion occurred.

**CM Gordon moved, seconded by CM Butler, to approve Resolution #755-2013. All voted "Aye."**

20. CONSIDER APPROVAL OF **ORDINANCE NO. 966-2013** AMENDING THE 2012-2013 FY BUDGET FOR EXPENDITURE OF COMMUNITY CENTER DOLLAR DONATIONS FOR THE CONSTRUCTION OF A BASKETBALL COURT AT THE COMMUNITY CENTER

Mayor Earwood stated that Council had previously approved this project and had requested an update when the price was obtained.

**CM Gordon moved, seconded by CM Ashton, to approve Ordinance #966-2013 amending the 2012-2013 FY budget for expenditure of Community Center Dollar Donations in the amount of \$13,500. All voted "Aye."**

7. APPROVAL OF REQUEST BY CONNIE SALDAÑA TO REDUCE FEES FOR RENTALS AT MCGEE PARK AND REQUEST TO PLACE SIGNAGE IN THE CITY ADVERTISING THEIR YOUTH TOURNAMENT FUNDRAISER.

No representative present.

**Mayor Pro Tem Crews moved, seconded by CM Gordon, to deny the request of Connie Saldana. All voted "Aye."**

**STAFF REPORTS:**

[At 7:58 p.m. CM Ashton left the dais and returned at 8:01 p.m.]

21. STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:

- 1129 ST. EDWARDS – Sanders reported that the owner is awaiting the final paperwork from the City attorney before beginning substandard abatement.
- 1205 CHURCHILL – No report
- 1409 LAWRENCE – Sanders reported that the property is in compliance and will be released when the civil penalties are paid.
- 1619 YALE – Sanders reported that staff has recently notified Chase bank of the order to repair.
- 817 THERSA – Sanders reported that staff will send a notice of intent to demolish and will perform the demolition when that time frame is expired. Mayor Earwood suggested an attempt to obtain the demo fees from the insurance company.
- 809 GUSTAV - Sanders reported no contact and no inspections.

- 4841 SHERWOOD – Sanders reported active building and electrical permits with significant progress
- 620 WORTHVIEW DR. – Sanders reported progress with the electrical and plumbing violations corrected and an active building permit.
- 606 WORTHVIEW – This property was discussed earlier.

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

- 715 ISBELL – Sanders reported progress.
- 5032 SHERWOOD – Sanders reported that this property should be in compliance next month.
- 1609 NANCY LANE – Sanders reported that this property should be in compliance in two weeks.
- 606 WORTHVIEW – This item was discussed earlier

23. PROGRESS REPORT: REPORT BY BUILDING INSPECTOR SANDERS ON PROGRESS UNDER THE CERTIFICATE OF OCCUPANCY PERMIT AT 916 GILHAM.

Sanders reported that the owner has obtained a permit to demolish one of the accessory buildings.

**No action was taken.**

24. STAFF REPORT: UPDATE AND PRESENTATION ON FLU SEASON, WNV AND NATURAL GAS LEAKS BY EMC JAMES MYRICK.

EMC Myrick gave handouts on cough/colds and the flu.

EMC Myrick announced a storm symposium at the Community Center on February 28, 2013.

EMC Myrick promoted the Castleberry Cares event on March 2, 2013 at A. V. Cato.

Videos were show on natural gas leaks and West Nile Virus.

EMC Myrick gave an invitation to attend a Sky Warn Class on January 26, 2013.

**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

CM Holland pointed out that warrants have steadily decreased. PC Carter stated that he had noticed the decrease in warrants and had spoken to CS Gregory. CS Gregory stated that staff is auditing the situation and have noticed that the numbers do not match. CM Holland requested that Staff pursue this issued until resolved.

PC Carter reported a decrease in Crime over last year's numbers which he attributed to increased police presence and activity. PC Carter reported an increase in warnings, citations, arrests, and violations.

**No action was taken.**

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

IFC Hawkins announced that the annual Fire Department awards banquet would be held on February 16, 2013 at the Community Center.

**No action was taken.**

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

Inspector Sanders gave a brief update on the construction progress at Quik Trip, W.O. Barnes Stadium and Castleberry Elementary.

Hub Makarwich asked about activity at the old Army Navy Store. Sanders reported that the owner anticipates opening a laundry facility, another retail business, and a Subway. CS Gregory added that this will be presented to the Planning and Zoning Commission on February 18, 2013.

Code Compliance Officer Fabian Neathery reported 242 inspections that include new cases and rechecks with 92 abatements so far for the month of January.

CM Gordon mentioned the property at the corner of Dartmouth and Yale.

Mayor Pro Tem Crews mentioned a visibility issue at the corner of White Oak and Springer. Staff reported compliance at this location.

Mayor Earwood mentioned a visibility issue at the corner of Winters and Blackstone.

Hub Makarwich mentioned a visibility issue at Braums.

**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

**No discussion or action.**

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

Mayor Pro Tem Crews requested a report on the bridge on Springer. PWD Hatley reported that Staff is in the process of implementing changes suggested by the engineer as follows; "C channels" on both sides, some concrete work including a handicap ramp; and rail to guard from children sliding through.

**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**

**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: Advice from City Attorney regarding possible litigation on substandard property at 1205 Churchill Rd. Advice from City Attorney regarding possible litigation on Property Damage Case (Caraway vs. City of River Oaks).
- 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

At 8:45 p.m. Mayor Earwood convened into executive session under Section 551.071 to seek advice from city attorney.

**RECONVENE:**

At 8:55 p.m Mayor Earwood reconvened into regular session.

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**No action was taken.**

**ADJOURN:**

39. ADJOURN

**At 8:55 p.m. CM Holland moved to adjourn the meeting.**

CM Butler congratulated Fabian Neathery on the completion of the code enforcement certification.

CM Gordon gave a reminder to sign up for email notifications on the city's website.

Mayor Earwood announced that Mr. Sury is under the care of hospice.

Mayor Earwood announced that Marjorie Gaddis is under the care of hospice.

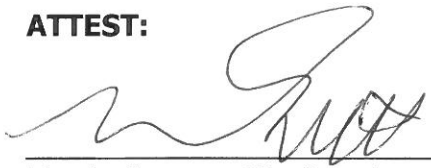
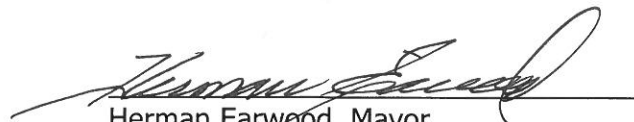
CM Gordon mentioned Mayor Pro Tem Crews father in law who is in the hospital. Mayor Pro Tem Crews extended appreciation to the community for the concern expressed regarding his father-in-law.

Mayor Pro Tem Crews gave an update on his mother who was in the hospital, stating that she has returned home after a major pacemaker adjustment.

**Motion seconded by CM Butler. All voted "Aye."**

**APPROVED:**

**ATTEST:**

  
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Marvin Gregory, City Secretary  
\_\_\_\_\_  
Herman Earwood, Mayor