

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JUNE 9, 2009**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
FIRE CHIEF BILL CREWS
POLICE CHIEF DAN CHISHOLM
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, June 9, 2009 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Crews gave the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

Council Member Holland led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR

None.

ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

5. JEROME GARZA, PARTNERSHIP SPECIALIST, U.S. DEPARTMENT OF COMMERCE, U.S. CENSUS BUREAU ON 2010 PRESENTATION REGARDING BENEFITS AND IMPORTANCE TO THE CITY

Jerome Garza, U.S. Census Bureau, presented information on the benefits and importance of participating in the 2010 Census. Mr. Garza requested the Council consider supporting proposed Resolution No. 656-09 allowing the establishment of a complete count committee that would assist in increasing awareness and providing information to all River Oaks residents in order to increase participation in the 2010 Census.

Mayor Earwood recommended the President of the Lions Club, the President of the Historical Society, and the President of the Chamber of Commerce for the Complete Count Committee.

Refer to Agenda Item # 6 for action taken.

6. CONSIDER APPROVAL OF **RESOLUTION NO. 656-09** IN SUPPORT OF 100 PERCENT COUNT OF ALL RESIDENTS IN RIVER OAKS

Mayor Pro Tem Crews moved, seconded by Council Member Gordon to approve Resolution No. 656-09 in support of a 100 percent count of all residents in River Oaks in partnership with the 2010 census. All voted "Aye."

7. CONSIDER APPROVAL OF REQUEST OF RON RUSSELL TO PERMIT ALCOHOL DURING THEIR RENTAL OF THE COMMUNITY CENTER FOR THE 1959 CASTLEBERRY HIGH SCHOOL CLASS REUNION.

In the absence of Ron Russell, Hub Makarwich was present to request Council approval to allow attendees to bring alcohol into the Community Center during a rental for the 1959 Castleberry High School Class Reunion.

PC Chisholm relayed information obtained from TABC (Texas Alcoholic Beverage Commission) that allows attendees to bring alcohol on their own accord as long as they are at least 21 years of age and the alcohol is not sold and a tip jar is not present.

Council Member Gordon spoke in opposition of allowing alcohol during the rental based on information received from citizens and other cities. Council Member Gordon stated that she had contacted some surrounding cities and most allow no alcohol on city property and one city allows alcohol consumption in a community center under very strict guidelines.

Council Member Butler spoke in opposition of allowing alcohol during the rental, stating that an exception made for one organization could develop into additional requests for exceptions.

Mayor Pro Tem Crews stated that the Council had previously made an exception for the BBQ cook off at the Community Center.

Council Member Holland did not recall the Council approving alcoholic beverages in the past and he spoke in opposition of allowing alcohol during rentals especially if indoor facilities are involved.

Mayor Earwood reminded Council Members that the Community Center Policy allows alcoholic beverages with Council approval and recommended that the policy be amended if the Council is opposed to any alcoholic beverages on Community Center property.

Council Member Holland moved, seconded by Council Member Butler to deny the request of Ron Russell to permit alcohol during a rental at the Community Center for the 1959 Castleberry High School Class Reunion. Council Members Butler, Holland, Minter, and Gordon voted "Aye." Mayor Pro Tem Crews voted "Nay." Mayor Earwood announced motion passed, request denied.

Mayor Pro Tem Crews requested the Community Center Rental Policies and Procedures be amended to remove the authority of the Council to grant the use of alcohol if such provision is not to be utilized.

8. APPEARANCE OF TAMARA SAGERT REGARDING UNITED WAY PROGRAM EFFORTS TO RAISE AWARENESS OF SENIOR ISSUES WITHIN THE CITY (POSTPONED FROM 05-12-09)

Ann-Maree Freeland was present to inform Council Members of the services provided by Neighbor Helping Neighbor including case management and needs assessments that result in proper referrals for each situation. Ms. Freeland extended an invitation to a meeting for key leaders at the Community Center at 7:00 p.m. on June 16, 2009.

No action was taken.

9. **WORK SESSION:**

[Mayor Earwood announced that agenda work session item B would be discussed at this time.]

(B) DISCUSSION OF INTERLOCAL AGREEMENT FOR JOINT FIRE EMERGENCY DISPATCHING WITH TARRANT COUNTY (CHIEF CREWS)

FC Crews presented an opportunity for the City to enter into a fire dispatching agreement with Tarrant County for an estimated start up cost of \$15,000. FC Crews recommended the funding that was allocated to MedStar cover the cost of this joint agreement since MedStar has decided to take no action on the subsidy payment for this year. This proposal would increase safety by alleviating some of the workload currently performed by the city dispatchers at the police department and increasing the coverage provided by other local departments. FC Crews stated that Tarrant County has a \$2 million dollar insurance policy related to the Joint Fire Emergency Dispatching Agreement.

(A) DISCUSSION OF RECOMMENDED WOOLRIDGE PARK IMPROVEMENTS WITH THE PARK BOARD

Park Board Chairman Hub Makarwich was present with representatives from Cornerstone Design Group to present the Park Master Plan for Council input and approval. Chairman Makarwich also requested authorization to expend the \$62,000 awarded to the Park Board for Phase I of park improvements by EDC. Phase I would prepare the skate park area. Mayor Pro Tem Crews stated that

\$32,000 was allocated for engineering and \$30,000 was allocated for park improvements.

Park Board Member Warriner asked how much money the Park Board has to spend on park improvements. Mayor Earwood referred to the Fiscal Year Budget for any questions regarding allocations for park improvements.

Mayor Pro Tem Crews requested the Park Board define Phase I and what it would include within the budgeted amount of \$30,000 by the next regular meeting of the Council on June 23, 2009.

Council Member Holland recommended communication with the neighbors prior to the commencement of the work.

(B) DISCUSSION OF INTERLOGAL AGREEMENT FOR JOINT FIRE EMERGENCY DISPATCHING WITH TARRANT COUNTY (CHIEF CREWS)

[This work session agenda item was discussed before work session agenda item A.]

[At 9:14 p.m. Mayor Earwood announced a 10-minute recess.]

[At 9:27 p.m. Mayor Earwood reconvened the meeting.]

(C) DISCUSSION OF CONVENIENCE FEE UPDATE WITH REV TRAK

CS Gregory stated that the City has an agreement with Rev Trak for credit card processing for court fees and water bill payments at a current fee rate to the customer of 3.99%. According to Rev Trak, the credit card companies are no longer allowing these fees to be passed on to the customer as a percentage fee. The fee would have to be a flat fee charged as a convenience fee. The City could either raise the utility rate and/or court costs or set a flat rate that Rev Trak could collect with each transaction.

Mayor Earwood recommended Staff verify the procedures used by surrounding cities and present additional information to the Council at the next regular meeting on June 23, 2009.

(D) DISCUSSION OF WEBSITE DEVELOPMENT WITH JAROD O'FLAHERTY

Mayor Earwood announced the City website has been removed due to the termination of the current web-master after repeated attempts to obtain satisfactory performance. The current web-master did not post the required notices on the website in a timely manner, specifically City Council Agendas within the 72-hour time limit. CS Gregory added that Staff could not locate a contract or Council approval for the current web-master.

FC Crews presented a proposal and showed an example of a website design from Jarod O'Flaherty, an individual web designer, that would allow Mr. Flaherty to custom design a website that would be maintained by Staff. The proposal of \$5,200 includes a custom designed website and one year of support. Mr. O'Flaherty would provide the source codes to the City. Mr. O'Flaherty designed the current Fire Department website that is maintained by Fire Department Staff.

(E) DISCUSSION OF CHARTER BANKRUPTCY AND BALLOT SUBMITTAL

CS Gregory presented a Debtor's Joint Plan of Reorganization for Charter Communications. In reviewing the amount of the franchise payment as of April 17, 2009, the amount quoted was \$780.89. The City Attorney directed Staff to change the amount to \$7,319.39, which is the amount of the first quarter franchise payment based on the base value of \$146,387.95 multiplied by a 5% fee factor. If the City chooses to accept the plan full payment each quarter is expected as agreed upon in the franchise agreement. A setback to the bankruptcy includes possible late payments.

(F) DISCUSSION OF ORDINANCE AMENDMENT TO SECTION 3.12, SIGN CODE

CS Gregory proposed an amendment to the sign ordinance that would allow for an extension (up to 90 days) for the amount of time a special purpose sign is allowed to remain during grand opening or special sales events with Council approval.

Council Member Gordon expressed concern that the balloon chosen for the grand opening event at a recent business stated "Medicaid" instead of "Grand Opening" or the phone number of the business. Council Member Holland suggested Staff check with the City Attorney regarding the issue of freedom of speech prior to Council approving or denying a request based on verbiage.

Council Member Gordon recommended two changes to the proposed ordinance: 1) the wording "special sales events" are removed; and 2) the maximum number of days is changed from 90 days to 60 days.

(G) DISCUSSION OF JUNE BOARD AND COMMITTEE APPOINTMENTS

Mayor Earwood stated that work session item G would be discussed at the Regular Meeting on June 23, 2009.

(H) DISCUSSION OF CHARTER AMENDMENTS

Mayor Earwood stated that if the City chooses to pursue Charter Amendments, the City Secretary must begin the process by July 23, 2009. Mayor Earwood recommended three possible charter amendments: 1) terms of Council Members and Mayor are changed from two years to three years; 2) the fiscal budget year be changed from April 1 to October 1; and 3) the number of required meetings be changed from two per month to one per month.

Council Member Holland supported the idea of 3-year terms and added that the city manager/council form of government should be considered.

Citizen John Claridge spoke in opposition of 3-year terms and suggested that the election of a mayor be moved to the even years so that each year three places would be available. Mr. Claridge spoke in opposition of the suggested charter amendments since the citizens had already voted against them in the past.

10. **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 CITY COUNCIL MEETING MAY 26, 2009
- B. BILLS PAYABLE FOR PERIOD ENDING JUNE 9, 2009 (2009-2010 FISCAL YEAR)
- C. APPROVAL OF WOOLRIDGE PARK IMPROVEMENT PLAN
- D. APPROVAL OF INTERLOCAL AGREEMENT FOR JOINT FIRE EMERGENCY DISPATCHING WITH TARRANT COUNTY
- E. APPROVAL OF CONVENIENCE FEE UPGRADE WITH REV TRAK
- F. APPROVAL TO ENTER INTO AN AGREEMENT WITH JAROD O'FLAHERTY FOR WEBSITE DEVELOPMENT
- G. APPROVAL OF CHARTER BANKRUPTCY BALLOT VOTING
- H. APPROVAL OF **ORDINANCE NO. 814-09** AMENDING THE SIGN CODE ALLOWING SPECIAL PURPOSE SIGNS FOR GRAND OPENINGS AND SPECIAL SALES EVENTS UPON COUNCIL APPROVAL
- I. APPROVAL OF MAYORS RECOMMENDATION ON BOARD APPOINTMENTS
- J. APPROVAL TO HOLD CHARTER ELECTION IN NOVEMBER

Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve consent agenda items A, B, F, G, and J. All voted "Aye."

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.

Council Members discussed consent agenda items that were removed as follows:

- C. APPROVAL OF WOOLRIDGE PARK IMPROVEMENT PLAN

Council Members requested that consent agenda item C be presented at the next regular meeting on June 23, 2009 with the information as requested in the work session.

D. APPROVAL OF INTERLOCAL AGREEMENT FOR JOINT FIRE EMERGENCY DISPATCHING WITH TARRANT COUNTY

Mayor Pro Tem Crews moved to approve the Interlocal Agreement for Joint Emergency Dispatching with Tarrant County. Motion failed due to lack of a second. No vote was taken.

Council Member Gordon moved, seconded by Mayor Pro Tem ~~Holland~~ Crews, to discuss consent agenda item D at mid-year budget. All voted "Aye."

E. APPROVAL OF CONVENIENCE FEE UPGRADE WITH REV TRAK

Council Members requested that consent agenda item E be presented at the next regular meeting on June 23, 2009 with the additional information as requested in the work session.

H. APPROVAL OF **ORDINANCE NO. 814-09** AMENDING THE SIGN CODE ALLOWING SPECIAL PURPOSE SIGNS FOR GRAND OPENINGS AND SPECIAL SALES EVENTS UPON COUNCIL APPROVAL

Council Member Gordon moved, seconded by Council Member Holland to approve Ordinance no. 814-09 with the following changes: 1) the wording "special sales events" be removed; and 2) the maximum number of days be changed from 90 days to 60 days. All voted "Aye."

I. APPROVAL OF MAYORS RECOMMENDATION ON BOARD APPOINTMENTS

Mayor Earwood announced consent agenda item I would be presented at the regular meeting on June 23, 2009.

PUBLIC FORUM:

11. 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 Holland stated that while communication with the community is important such as the case of an upcoming community forum, he requested that Council

Members be allowed the opportunity to discuss and ratify any function that is sponsored by the City.

EXECUTIVE SESSION:

12. 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:

13. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

14. ADJOURN

At 10:27 p.m. Mayor Pro Tem Crews moved to adjourn the meeting. Motion seconded by Council Member Minter. All voted "Aye."

APPROVED:

ATTEST:

Marvin Gregory, City Secretary

Herman Earwood, Mayor