

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 13, 2014**

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
FIRE CHIEF RUSSELL SHELLEY
POLICE CHIEF AVIN CARTER
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
PUBLIC WORKS DIRECTOR JAMES HATLEY
PARK BOARD MEMBER JLYNN VANDIVER
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
SECRETARY SUSAN STEWART
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 13, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

David Holder delivered the Invocation.

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

David Holder led the pledges of allegiance to the United States and the Texas Flags.

[At this time, Mayor Earwood moved to agenda item # 8.]

8. SPECIAL RECOGNITION PRESENTATION BY THE MAYOR

Mayor Earwood recognized Council Member Steve Holland for 20 years of continuous service on the City Council.

[ADJOURNMENT FOR RECEPTION AT 7:07 P.M.]

[RECONVENE BACK INTO REGULAR SESSION AT 7:22 P.M. WITH AGENDA ITEM #7.]

7. CERTIFICATE OF RECOGNITION PRESENTED TO JOEY SHAW FOR VOLUNTEER SERVICE AT THE COMMUNITY CENTER

Community Center Directors Shirley Wheat and Shirley Bloomfield presented a certificate of appreciation to Joey Shaw for 200 hours of service at the Community Center Haunted House.

[At this time, Mayor Earwood moved back to agenda item #4.]

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR

Mayor Earwood read a proclamation declaring May 11 through May 17, 2014 as National Police Week and May 15, 2014 as Peace Officers Memorial Day.

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

- A. MINUTES OF APRIL 22, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING MAY 13, 2014 (FY 2014)
- C. RESIGNATION OF JANIS PRICE AS LIBRARY ATTENDANT
- D. APPROVAL OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT CORPORATION TO REVISE AGREEMENT WITH MUNDO AND ASSOCIATES FOR 30 HOURS PER MONTH OF ECONOMIC DEVELOPMENT SERVICES COMMENCING ON AUGUST 1, 2014.

Mayor Earwood announced that item D would be removed from the consent agenda for separate deliberation.

CM Holland moved, seconded by CM Butler, to approve consent agenda items A, B, and C as presented. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

- D. APPROVAL OF RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT CORPORATION TO REVISE AGREEMENT WITH MUNDO AND ASSOCIATES FOR 30 HOURS PER MONTH OF ECONOMIC DEVELOPMENT SERVICES COMMENCING ON AUGUST 1, 2014

CM Ashton expressed many concerns related to the contract with Mundo and Associates including: progress and results versus the amount of money paid to Mundo; the contract requires review by the council which has not happened until this point; Mayor Earwood has been the most productive EDC contact for the City; social media is constantly being mentioned by Mundo but is not actively maintained; no small grants have been written by Mundo as originally indicated; and full-time EDC personnel might could be hired for approximately the same amount of money.

CM Crews moved, seconded by CM Ashton, to not approve the contract with Mundo and Associates.

CM Butler stated her concern that EDC progress will regress if the contract is terminated.

Mayor Pro Tem Gordon stated that the City must overcome the perception that nothing in River Oaks is worth developing. Mayor Pro Tem Gordon stated that Mundo is actively contacting potential opportunities. Mayor Pro Tem Gordon added that another purpose of EDC is sustain the businesses you already have. Mayor Pro Tem Gordon stated that Mundo has created and maintained an inventory of available properties.

CM Holland agreed that ending the contact may leave the City without EDC representation. CM Holland suggested a shorter contract term allowing the possibility of seeking alternatives.

Mayor Earwood recommended that the EDC set benchmarks and terminate the contract if those benchmarks are not achieved. Mayor Earwood also suggested that Mundo perform the necessary research and job functions without the assistance of CS Gregory and staff.

CM Ashton and CM Crews voted "Aye." Motion failed.

CM Crews stated that the contract should go back to the EDC since it was not approved as recommended.

Brief discussion occurred relative to the termination of the contract with a 60-day notice regardless of whether or not the contract is up for renewal. No firm answer was given.

No further action was taken.

7. CERTIFICATE OF RECOGNITION PRESENTED TO JOEY SHAW FOR VOLUNTEER SERVICE AT THE COMMUNITY CENTER

This item was performed prior to agenda item 4.

8. SPECIAL RECOGNITION PRESENTATION BY THE MAYOR

This item was performed after agenda item 3.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

9. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 4813 LANGLEY RD. AS REQUESTED BY JOSE ALVARADO

Jose Alvarado, 4813 Langley, requested to install horizontal hardiboard planks on his residence.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the installation of horizontal plank hardiboard siding in a residential zoning district at 4813 Langley Road as requested by Jose Alvarado. All voted "Aye."

10. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5013 LANGLEY RD. AS REQUESTED BY MONCERRAT DIAZ

Moncerrat Diaz, 5013 Langley, requested to install horizontal hardiboard siding on the rear portion of her house.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve the installation of horizontal plank hardiboard siding in a residential zoning district at 5013 Langley Road as requested by Moncerrat Diaz. All voted "Aye."

11. CONSIDER APPROVAL OF EMPLOYEE HEALTH, LIFE & MEDICAL INSURANCE RATES FOR PLAN YEAR JULY 2014-JUNE 2015---PRESENTED BY DAWN BRINSON, BRINSON BENEFITS

Dawn Brinson recommended switching to Blue Cross Blue Shield from United Health Care with the most significant change in benefit being the deductible of \$5,000, from the current \$500. The switch would result in a 9.43% decrease in premiums. Ms. Brinson suggested applying \$70,000 of that savings to a health reimbursement account (HRA) to assist employees with the higher deductible. This would result in a total savings to the City of 1.51%. The employee would be responsible for deductible with up to \$4,000 available for reimbursement. CS Gregory suggested using Ms. Brinson's HRA administrator company "Benefit Bucks" to administer the program. Ms. Brinson recommended changing from Lincoln to Mutual of Omaha for the life insurance and supplemental insurances. Ms. Brinson recommended staying with Guardian for the voluntary vision and dental with a slight increase to the employee.

CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve the health, life, & medical insurance rates as presented by Dawn Brinson of Brinson Benefits. All voted "Aye."

12. CONSIDER APPROVAL OF PARK BOARD RECOMMENDATION FOR PARK IMPROVEMENT PLAN

Park board member Jlynn Vandiver presented the suggestions of the Park Board to trim the Chinese pistachios that are crowding the oak trees, along with other minor trimming of trees at Coates Park. PWD Hatley will obtain quotes for the project.

No action was taken.

13. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE FIRE DEPARTMENT DOLLAR DONATION FUND FOR THE PURCHASE OF PORTABLE RADIOS

FC Shelley requested using dollar donations to purchase five new portable radios with shoulder microphones.

CM Butler moved, seconded by CM Ashton, to approve the purchase of portable radios in the amount of \$3,265 from the dollar donation fund. All voted "Aye."

14. CONSIDER APPROVAL OF MID-YEAR BUDGET REVIEW AND APPROVAL OF **ORDINANCE # 1025-2014** AMENDING THE CITY'S OPERATIONAL BUDGETS DUE TO UNPLANNED EXPENDITURES IN THE FY 2013-2014 BUDGET YEAR

CS Gregory presented the mid-year 2013-2014 budget review, requesting a budget expansion of \$35,410 to the general fund budget. An expansion in the water fund was requested in the amount of \$110,414. CS Gregory stated the TERP grant money has been received. CM Holland

inquired about the \$200,000 budgeted amount for data processing at the treatment plant. CS Gregory stated that was related to the computer that operates the entire plant.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve the mid-year budget review and Ordinance #1025-2014 amending the City's operational budgets due to unplanned expenditures in the 2013-2014 budget year. All voted "Aye."

15. CONSIDER APPROVAL OF **RESOLUTION # 794-2014** FOR SPECIAL EVENT PERMITTING IN ORDER FOR TO HOLD AN ALL AMERICAN CELEBRATION ON THE PARKING LOT AT 5116 RIVER OAKS BLVD. (SUPER SAVE GROCERY STORE)

No discussion occurred.

CM Crews moved, seconded CM Butler, to approve Resolution #794-2014. All voted "Aye."

16. CONSIDER APPROVAL OF FINANCE COMMITTEE RECOMMENDATION FOR THE IMPLEMENTATION OF THE FIRE DEPARTMENT SHIFT COVERAGE PLAN AS PRESENTED TO THE FINANCE COMMITTEE BY FIRE CHIEF SHELLEY

CM Holland presented the recommendation of the finance committee to implement the shift coverage plan. FC Shelley stated that this plan would stay within the current budgeted amount for the call pay plan. Beginning July 1st the shifts would be 7pm-7am on weeknights and two weekend shifts providing 24 hour coverage.

CM Ashton moved, seconded by Mayor Pro Tem Gordon, to approve the finance committee recommendation for the implementation of the Fire Department shift coverage plan as presented to the finance committee by Fire Chief Shelley. All voted "Aye."

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **RESOLUTION # 795-2014** AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

CS Gregory suggested approval for this annual request.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to approve Resolution #795-2014. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION # 796-2014** DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION

Marilyn Ackman, Atmos Gas, requested denial of the Rate Review Mechanism (RRM) as recommended by the steering committee.

Mayor Pro Tem Gordon moved, seconded by CM Ashton, to approve Resolution #796-2014. All voted "Aye."

19. CONSIDER APPROVAL OF **ORDINANCE # 1026-2014** AMENDING THE FY 2014 OPERATIONAL BUDGET FOR THE EXPENDITURE OF FIRE DEPARTMENT DOLLAR DONATIONS.

No discussion occurred.

CM Holland moved, seconded by CM Butler, to approve Ordinance #1026-2014 in the amount of \$3,265. All voted "Aye."

PUBLIC FORUM:

20. 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.**

Jlynn Vandiver stated that the Council should consider how the HRA should be administered and how and when the reimbursement would take place.

EXECUTIVE SESSION:

21. 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:

- 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:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

23. ADJOURN

At 9:20 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