

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 8, 2015**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
FIRE CHIEF RUSSELL SHELLEY  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMC JAMES MYRICK  
RECORDING SECRETARY SUSAN STEWART  
EDC CONSULTANT PATRICIA WARD  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
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, September 8, 2015 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

Mayor Earwood read a proclamation declaring October 6, 2015 as the 32<sup>nd</sup> annual National Night Out in the City of River Oaks.

PC Carter announced a community wide event which will be held at the Community Center from 6:00 p.m. until 8:00 p.m.

**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 AUGUST 25, 2015 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 8, 2015 (FY 2015)
- C. CANCELLING THE SEPTEMBER 22, 2015 COUNCIL MEETING
- D. APPROVAL OF POLICE CHIEF RECOMMENDATION FOR HIRING OF POLICE OFFICERS

**E. REPEAL HIRING OF DIANA OVIEDEO AND APPROVE HIRING OF MICHELLE DAVIS AS SUPPORTED AND RECOMMENDED BY MAYOR HERMAN EARWOOD**

PC Carter named the two new officers, Chris Meza and Anthony Salvato, who have been chosen for the open positions, stating that they both meet the requirements and have previous experience.

**CM Butler moved, seconded by CM Scott, to approve the consent agenda items A, B, C, D and E. All voted "Aye."**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.**

None.

**SPECIAL PRESENTATION:**

**7. MARILYN ACKMANN OF ATMOS ENERGY PRESENTING CHECK TO RIVER OAKS FIRE DEPARTMENT FOR SAFETY TRAINING**

Marilyn Ackmann, Manager of Public Affairs for Atmos Energy, presented a \$1,000 check to FC Shelley in appreciation for their partnership with Atmos which will be used to send to two firefighters to a safety training course.

**No action was taken.**

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

**8. DISCUSSION AND/OR ACTION REGARDING THE PROPOSED ART FESTIVAL SHOW AT THE COMMUNITY CENTER AS PRESENTED BY MURRAY HILL**

Murray Hill, presented the possibility of an arts festival in May of 2016. Mr. Hill stated his task as event planner, creator, and director would include pursuing funding for the event and obtaining the production services. Mr. Hill stated that the event would belong to the City of River Oaks and he would receive a 30% commission on the gross revenue.

Mr. Hill explained his goals which are based on 8,000 to 10,000 patrons targeted not only from River Oaks but also the surrounding communities as well as corporate sponsorship and an art contest for area high school arts students. Mr. Hill will advertise in community newspapers, schools, city websites, and signage on local commercial properties. The vendors will pay a vendor fee and will retain their profits. Mr. Hill offered to prepare a comprehensive budget in the next few days. Concern was mentioned regarding overnight security if the event lasted two days. Mayor Earwood appointed a committee including the PC Carter, the Community Center Directors, public works, and CM Butler to work together and make recommendations to the Council.

**CM Scott moved, seconded by CM Gordon, to continue to pursue and look at a feasibility study that will go to the committee that JoAnn Butler will sit on and to**

**continue to explore the art festival gathering information to make an informed choice. All voted "Aye."**

9. CONSIDER APPROVAL OF THE RIGHT-OF-WAY EXCAVATION PERMIT AS REQUESTED BY PETE NELSON OF ZAYO GROUP, INC. FOR INSTALLATION OF PROPOSED FIBER OPTIC ON OHIO GARDEN, HARTFORD AND GREENBRIER

A representative was not present.

**No discussion and no action taken.**

10. DISCUSSION AND/OR ACTION ON CITY COMPLEX PHONE SYSTEM UPGRADE WITH NEC SL 1100 DIGITAL PHONE SYSTEM. AS PRESENTED BY RALEIGH LONG OF LONE STAR TECHNOLOGIES

Raleigh Long, Lone Star Technologies, explained his concern of a possible failure of the entire phone system which is a 17 year old system. Mr. Long described a recent failure of the voicemail system during which no calls could be received other than 911 calls. Mr. Long recommended replacing the current system with the new system by the same manufacturer which would have a 2-year warranty on the equipment and a 1-year warranty on the labor. Mr. Long stated that the new system is VOIP capable although he does not recommended this option at this time.

**CM Butler moved, seconded by CM Ashton, to spend \$19,819.43 with Raleigh Long's company Lone Star Technologies for a new phone system and to approve Ordinance #1085-2015. All voted "Aye."**

11. CONSIDER APPROVAL TO EXEMPT THOMAS BANKSTON AT 901 CHURCHILL RD. FROM CERTIFICATE OF OCCUPANCY REQUIREMENTS

Tom Bankston, 901 Churchill, requested a "variance or exemption" from the certificate of occupancy inspection but agreed to pay the water deposit and maintain an active water account.. Mr. Bankston explained that he has lived in the house since 1998 and has been the sole owner since his mother passed away in 2004.

Much discussion occurred related to no water consumption in the occupied house, the condition of the house, when a certificate of occupancy is required, and the safety of the occupants and the public,

Clomer Alexander Bankston, son of Mr. Bankston, asked that his elderly father be allowed to continue to live in his home and without having the inspection.

Maria De Leon, 10140 Lone Eagle Drive, stated her relationship as the ex-wife of Mr. Bankston and confirmed that Mr. Bankston bathes and eats at her home.

It was suggested to allow additional time for any repairs which may be required as has been the case with others.

**CM Ashton moved to approve the request by Thomas Bankston at 901 Churchill to exempt him from the Certificate of Occupancy requirements with regard to having to obtain a new certificate of occupancy. Motion died for lack of a second.**

12. CONSIDER APPROVAL TO WAIVE OR EXTEND CERTIFICATE OF OCCUPANCY INSPECTION REQUIREMENTS FOR EDGAR CELESTINO AT 1204 HARVARD ST.

Edgar Celestino, 1204 Harvard, requested the requirement to make repairs to his property resulting from the Certificate of Occupancy inspection be waived or extended up to one year. Mr. Celestino explained that he purchased the house twelve years ago and did not change the name on the water account until he contacted staff about a leak and disclosed that account holder was deceased. Mr. Celestino stated that he has obtained estimates to make the repairs which would cost more than \$4,000.

Staff was directed not to enforce the requirement of double locks since it was removed from the Certificate of Occupancy Checklist. CS Gregory will consult with Staff on the reasoning that this requirement was written in on this particular checklist and give an explanation. Discussion also occurred related to the status of approved for move in and not approved for move in.

Mr. Celestino was told to return to the City Council if he is unable to complete the repairs within the time if one is given.

**CM Ashton moved, seconded by CM Gordon, to extend the Certificate of Occupancy requirements for Edgar Celestino at 1204 Harvard Street for up to six months with monthly reports to the inspections department. All voted "Aye."**

CS Gregory made a statement for the record as follows: "the statement that he had to check one or the other approved for move in or not approved for move in is incorrect. It was because the Council told us not to just go in there when it wasn't approved originally for them to move in and just check conditional because it was already hazardous. That's the reason it would have been better to check conditional or something but we're instructed as staff not to do that."

13. CONSIDER APPROVAL TO CONTRACT FOR INSTALLATION OF SIDING ON COMMUNITY CENTER BUILDING SUPPORTED BY THE APPROVAL OF **ORDINANCE # 1086-2015** TO AMEND THE FY 15 GENERAL FUND BUDGET TO INSTALL SIDING ON THE COMMUNITY CENTER BUILDING

Mayor Earwood explained that the contractor who had quoted to repair the previously started job has now said it has to be completely redone and the price has doubled. PWD Hatley presented a sample of a heavier, better quality product which has a 20-year warranty from Champion Siding at \$11,230.

**CM Gordon moved, seconded by CM Butler, to approve Ordinance #1086-2015 expanding the 2014-2015 general budget due to an unplanned expenditure in the amount of \$7,500 to add siding to the Community Center. All voted "Aye."**

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

14. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2015-2016 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS

The public hearing was opened at 8:46 p.m.

CS Gregory gave an overview of the proposed budget which will effectively raise the same amount of property tax revenue for the City of River Oaks from the same properties in both the 2014 and 2015 tax years. Proposed revenues for the general fund total \$4,917,314 and proposed expenditures of \$4,917,314 equal a balanced budget. Proposed revenues for the water fund total \$2,859,050 and proposed expenditures of \$2,881,682 result in a deficit budget of \$22,642. Proposed revenues for the Economic Development total \$186,200 and proposed expenditures of \$186,200 equal a balanced budget. Proposed revenue for the Crime Control and Prevention District total \$187,600 and proposed expenditures total \$198,715 result in a budget in the red by of \$15,115. Proposed revenue for the Storm Force total \$163,350 and proposed expenditures total \$163,350 equal a balanced budget.

With no public comments the public hearing was closed at 8:49 p.m.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 1082-2015** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016

**CM Gordon moved, seconded by Mayor Pro Tem Holland, to approve Ordinance #1082-2015 adopting the 2015-2016 fiscal year budget thereby making appropriations for the supporting of the City of River Oaks beginning October 1, 2015 and ending on September 30, 2016 adopting the operating budgets attached herein as Exhibit A for General Fund, Water and Sewer Fund, Economic Development Corporation, River Oaks Crime Control and Prevention District, and Storm Water Fund for October 1, 2015 through September 30, 2016. All voted "Aye."**

16. **PUBLIC HEARING:** CONSIDER APPROVAL OF ADOPTING THE AD VALOREM TAX RATE AT THE EFFECTIVE TAX RATE OF \$0.852309 PER \$100 OF PROPERTY VALUE FOR FISCAL YEAR 2015-2016 *WHICH IS EFFECTIVELY THE TOTAL TAX RATE NEEDED TO RAISE THE SAME AMOUNT OF PROPERTY TAX REVENUE FROM THE SAME PROPERTIES IN BOTH THE 2014 AND 2015 TAX YEARS*

The public hearing was opened at 8:51 p.m.

With no public comments the public hearing was closed at 8:51 p.m.

17. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 1083-2015** AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 AT A RATE OF \$0.852309 PER \$100 OF PROPERTY VALUE *WHICH IS EFFECTIVELY THE TOTAL TAX RATE NEEDED TO*

*RAISE THE SAME AMOUNT OF PROPERTY TAX REVENUE FROM THE SAME PROPERTIES IN BOTH THE 2014 AND 2015 TAX YEARS*

**Mayor Pro Tem Holland moved, seconded by CM Gordon, to approve Ordinance #1083-2015. All voted "Aye."**

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

18. CONSIDER APPROVAL OF **ORDINANCE # 1084-2015** AMENDING ARTICLE 13.04 "SEWER SYSTEM", SECTION 13.04.013 "SEWER SERVICE RATES", OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING SEWER RATES INCORPORATING A RATE INCREASE FOR RESIDENTIAL, COMMERCIAL AND APARTMENT CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS

CS Gregory stated that Fort Worth is raising the treatment rate by 9.27% which he recommended be passed along to the customer beginning in November.

**CM Gordon moved, seconded by CM Butler, to approve Ordinance #1084-2015. All voted "Aye."**

19. CONSIDER APPROVAL OF **ORDINANCE # 1085-2015** AMENDING THE 2014-2015 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COURT TECHNOLOGY FUNDS.

Refer to agenda item #10 for action taken.

20. CONSIDER APPROVAL OF **RESOLUTION # 838-2015** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2015-2016 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

No discussion occurred.

**CM Gordon moved, seconded by CM Scott, to approve Resolution #838-2015 following the second reading. All voted "Aye."**

21. CONSIDER APPROVAL OF **RESOLUTION # 839-2015** FOR SPECIAL EVENT PERMITTING IN ORDER FOR ONE FAITH CHURCH AT 1200 ROBERTS CUT OFF RD. TO HOLD AN OUTDOOR SPECIAL EVENT ON OCTOBER 31, 2015

Rachel Salazar, Pastor at One Faith Church on Roberts Cut Off, requested to hold their 3<sup>rd</sup> annual fall festival event.

**CM Butler moved, seconded by CM Ashton, to approved Resolution #839-2015 allowing One Faith Church to have a Fall Festival on the parking lot. All voted "Aye."**

22. CONSIDER APPROVAL OF **RESOLUTION # 840-2015** FOR SPECIAL EVENT PERMITTING TO HOLD A NATIONAL NIGHT OUT EVENT AT COMMUNITY CENTER ON OCTOBER 6, 2015

No discussion occurred.

**CM Scott moved, seconded by CM Gordon, to approve Resolution #840-2015 for the special National Night Out at the Community Center on October 6, 2015. All voted "Aye."**

**STAFF REPORTS:**

**23. STAFF REPORT ON SUBSTANDARD PROPERTIES:**

- 604 FRONTIER
- 5008 SHERWOOD
- 5008 PENROD
- 1705 LONG AVE.
- 603 HARRISDALE
- 5601 JAMES – owner met with the inspector as ordered by the Council.
- 4900 ALMENA
- 1609 YALE
- 5312 TAYLOR
- 1202 BANKS
- 1108 YALE
- 1425 BYRD
- 1203 YALE
- 5116 LANGLEY RD.
- 1309 ROBERTS CUT OFF – new owner reported
- 1311 ROBERTS CUT OFF – new owner reported
- 5905 BLACK OAK
- 5909 BLACK OAK
- 4612 OHIO GARDEN

- 4829 KESSLER
- 1444 LONG
- 622 OAKLAWN
- 1605 NANCY LANE

**OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:**

24. CONSIDER APPROVAL OF CITY HOLIDAY SCHEDULE

**CM Gordon moved, seconded by CM Butler, to approve the City holiday schedule.**

CM Ashton mentioned that the same trash route will be skipped two weeks in a row. PWD Hatley reported that he will run additional trucks and days as necessary for those two weeks.

**All voted "Aye."**

25. DISCUSSION AND/OR ACTION ON CONTRACT FOR DELINQUENT TAX ATTORNEY

Mayor Pro Tem Holland reported that the committee has met with current tax attorney and has requested additional information. The committee does not have a recommendation at this time.

**No action was taken.**

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

26. **POLICE DEPT. MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED

PC Carter reported another property that may be added to the substandard list after the police department made entry and found a deceased person in an undesirable environment with no air conditioning.

PC Carter gave an invitation to view the recently installed bronze plaque in memory of Nathan Laurie.

PC Carter stated that two new officers will begin training once they pass the physical.

PC Carter reported finding one Tahoe and has negotiated the price so that it is comparable to the cost of the previous two.

No action was taken.

27. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE



No discussion occurred.

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

No discussion occurred.

**29. LIBRARY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE**

No discussion occurred.

**30. 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 occurred.

**31. PUBLIC WORKS 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 occurred.

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

No discussion occurred.

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

No discussion occurred.

**34. CITY SECRETARY ACTIVITY REPORT INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX**

No discussion occurred.

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

No discussion occurred.

36. **STORM WATER TASK FORCE ACTIVITY REPORT INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION**

No discussion occurred.

37. **EMERGENCY MANAGEMENT ACTIVITY REPORT INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING**

No discussion occurred.

**PUBLIC FORUM:**

38. 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**

**None.**

**EXECUTIVE SESSION:**

39. 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: ***Proof of Loss/TMLIRP Claim # 1400213100/TC Case # 1399016***
- 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 compliant or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices. ***Security System at Police Department and Community Center.***

At 9:10 p.m. Mayor Earwood convened into executive session under Section 557.071, Section 551.072, Section 551.074 and Section 551.076.

**RECONVENE:**

At 9:37 p.m. Mayor Earwood reconvened into regular session.

40. **CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION**

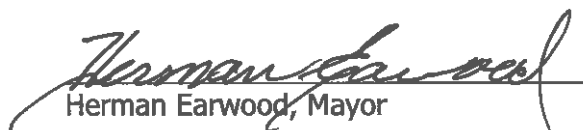
**No action was taken.**

**ADJOURN:**

41. ADJOURN

**At 9:38 p.m. CM Gordon moved, seconded by CM Scott, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary