

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 25, 2014**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

MAYOR HERMAN EARWOOD (PERSONAL CONFLICT)
COUNCIL MEMBER JOANN GORDON (MEDICAL)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR JAMES HATLEY
FIRE CHIEF RUSSELL SHELLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
RECORDING SECRETARY SUSAN STEWART
CITY ATTORNEY BETSY ELAM

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Holland called the Regular Meeting of the River Oaks City Council to order at 7:01 p.m. on Tuesday, November 25, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Ashton led the Pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS 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. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

- A. MINUTES OF OCTOBER 28, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 25, 2014 (FY 2015)
- C. APPROVE RESIGNATION OF KRISTINA ASHTON, UTILITY ADMINISTRATIVE ASSISTANT
- D. APPROVE HIRING OF ANA JUAREZ AS UTILITY ADMINISTRATIVE ASSISTANT
- E. APPROVE 4TH QUARTER (JULY 1-SEPT. 30) EDC FINANCIAL REPORT
- F. APPROVE 4TH QUARTER (JULY 1-SEPT. 30) CCPD FINANCIAL REPORT

- G. APPROVE 4TH QUARTER (JULY 1- SEPT. 30) STORM WATER FINANCIAL REPORT
- H. APPROVE MAYOR'S RECOMMENDATION TO APPOINT BELINDA PACHECO TO LIBRARY BOARD TO REPLACE VACANT MEMBER POSITION
- I. APPROVE RESIGNATION OF ROBERT MOORE AS POLICE OFFICER
- J. APPROVAL OF THE HIRING OF ALEJANDRO EMILIO GARZA AS POLICE OFFICER
- K. APPROVE MAYOR'S RECOMMENDATION FOR HIRING AND REORGANIZATION IN PUBLIC WORKS DEPT.
- L. APPROVE MAYOR'S RECOMMENDATION TO APPOINT STEVE HOLLAND AS THE GOVERNMENT BODY APPOINTEE TO FIRE PENSION BOARD
- M. APPROVE RECOMMENDATION FROM EDC ON THE APPROVAL OF INTERLOCAL AGREEMENT WITH TARRANT COUNTY REGARDING SH 183 CORRIDOR DESIGN STUDY (RIVER OAKS REVIVAL)

CM Ashton moved, seconded by CM Scott, to approve consent agenda items A through M. All voted "Aye."

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST FROM PAMELA R. WILSON TO EXTEND THE CERTIFICATE OF OCCUPANCY PERMIT DEADLINE ON THE PROPERTY AT 1121 CAMBRIDGE ST.

Pamela Wilson, 1121 Cambridge, requested additional time to complete the requirements to change the water into her name and complete the Certificate of Occupancy. Staff reported that notification was received of the water being in the name of a deceased person and a letter was mailed to the occupant requiring the water be changed as required by ordinance. Staff verified that this request has been granted in the past.

CM Scott moved, seconded by CM Ashton, to extend the completion of the certificate of occupancy for six months. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON REQUEST BY BARBARA WOOTEN MEECE TO RELOCATE CITY GARBAGE TRUCKS CURRENTLY LOCATED ON CITY PROPERTY AT 4900 RIVER OAKS BLVD. NEXT TO A RESIDENTIAL AREA

Barbara Meece requested the City consider relocating the trash trucks to a location that is not near a residential district. Mrs. Meece expressed concern over the beeping noise and the visibility of the trucks from her mother's rental property on Greenbrier. Mayor Pro Tem Holland

stated that there is not an alternate location for the trucks and he recommended this item be considered at a future planning session.

Bob Meece suggested the installation of a sound absorbing fence that is high enough to conceal the trucks.

No action was taken.

9. CONSIDER APPROVAL TO AMEND THE NOTICE OF LIEN AND STATEMENT OF EXPENSES FILED JULY 10, 2002 ON THE PROPERTY AT 4600 ALMENA TO REMOVE AN UNSANITARY CONDITION FROM THE PROPERTY

CS Gregory explained that the lien contains a \$200 administrative fee and the \$50 filing fee that are not supported by ordinance and he requested the Council waive these fees. The total amount due prior to November 30, 2014 would be \$296.53 versus \$836.77 if the original amounts are upheld.

CM Butler moved, seconded by CM Scott, to reduce the lien amount to \$296.53 plus any additional interest that accrues after November 30, 2014. All voted "Aye."

10. CONSIDER APPROVAL OF **ORDINANCE # 1049-2014** EXPANDING THE FY 2015 GENERAL FUND BUDGET BALANCE IN ORDER TO PURCHASE PROTECTIVE CLOTHING TO BE EXPENDED FROM THE FIRE DEPARTMENT DONATION FUND

FC Shelley requested to purchase 15 new bunker gear sets. The \$25,000 donation received from the Estate of Ernestine Conley would be used to cover the majority of the cost. The remainder would be covered by funds approved in the current budget.

CM Butler moved, seconded by CM Ashton, to approve Ordinance #1049-2014 to purchase protective clothing from the money donated by Ernestine Conley. All voted "Aye."

11. RATIFY 36-MONTH AGREEMENT WITH TXU ENERGY TO SET THE ELECTRIC COMMODITY CHARGE FOR CITY FACILITIES AT \$0.0486700 PER KWH

CS Gregory stated that he and Mayor Earwood agreed to a rate of \$0.0486700 per Kwh since the rates change daily. Currently the City is paying \$.05395 per Kwh. The cost savings is estimated at \$22,000 over the next 36 months.

CM Ashton moved, seconded by CM Scott, to ratify the 36-month agreement with TXU Energy to set the electric commodity charge for City facilities at \$0.0486700 per Kwh. All voted "Aye."

12. CONSIDER APPROVAL TO CONTRACT WITH OUTSIDE JANITORIAL SERVICE FOR CITY COMPLEX

FC Shelley requested that the Fire Department withdraw from cleaning the Police Department due to safety concerns that were raised by the firefighters who were cleaning the jail cells. A

portion of the money allocated for the Fire Department shift pay would be transferred to the building maintenance fund to pay an outside cleaning service to clean the Police Department three times per week.

CM Scott moved, seconded by CM Ashton, to approve Ordinance #1051-2014 moving \$4,500 from fire department shift pay to building maintenance for cleaning of the police department. All voted "Aye."

13. CONSIDER APPROVAL TO AWARD BID TO UNISON SITE MANAGEMENT LLC. TO PURCHASE THE WIRELESS COMMUNICATION EASEMENT IN THE REAR OF THE PROPERTY AT 4900 RIVER OAKS BLVD. OWNED AND OPERATED BY THE CITY OF RIVER OAKS

CS Gregory reported that the City Attorney had reviewed the most recent revisions from Brian Weiss, attorney for Unison, and she was ok with the revisions if the city wanted to go forward with the purchase of the wireless communication easement in the rear of the City Complex.

CM Ashton would like for staff to perform a revenue comparison of the current agreement with Verizon and the proposed agreement up for consideration with Unison Site Management. CM Holland requested this item be tabled until the next council meeting to allow staff time to research this further.

No action was taken.

14. PWD HATLEY REQUESTING APPROVAL TO AUCTION FOR SALE THE CHIPPER AND OTHER ASSORTED EQUIPMENT

PWD Hatley requested to sell surplus equipment including a chipper, a compressor, a street saw and a trash pump at auction.

CM Ashton moved, seconded by CM Scott, to approve the sale of the chipper, compressor, saw, and pump. All voted "Aye."

15. CONSIDER APPROVAL TO AUCTION FOR SALE THE 1990 FIRE TRUCK AS REQUESTED BY FIRE CHIEF RUSSELL SHELLEY

FC Shelley requested to sell a 1990 fire truck at auction at an anticipated amount of \$5,000.

CM Scott moved, seconded by CM Ashton, to approve the auction of the 1990 fire truck. All voted "Aye."

16. DISCUSSION AND/OR ACTION ON UPGRADING THE CITY'S CAMERA SURVEILLANCE SYSTEM TO BE EXPENDED OUT OF COURT SECURITY FUNDS

This agenda item was discussed in executive session.

Action on this agenda item was taken after executive session.

17. DISCUSSION AND/OR ACTION REGARDING THE INTERVIEW PROCESS FOR THE PART-TIME LIBRARY DIRECTOR'S POSITION

This agenda item was discussed in executive session.

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. CONSIDER APPROVAL OF **ORDINANCE # 1050-2014** IN ORDER TO EXPAND THE FY 2015 GENERAL FUND BUDGET BALANCE IN ORDER TO REPLACE THE HALLWAY FLOORING WITH COURT SECURITY FUNDS

CS Gregory presented a request to replace the carpet in the hallway to the kitchen and the jury room with vinyl plank flooring using the court security fund. Mayor Pro Tem Holland and Member Scott suggested this item be considered in the next year budget instead of doing a mid-year budget adjustment. Discussion occurred related to cost factors and the necessity to replace the flooring at this time.

CM Butler moved to deny the request. No second. Motion died.

19. CONSIDER APPROVAL OF **ORDINANCE # 1051-2014** TRANSFERRING FUNDS FROM THE FIRE DEPARTMENT BUDGET (#517) TO BUILDING MAINTENANCE (#526) FOR JANITORIAL SERVICE

This agenda item was approved under agenda item #12.

STAFF REPORTS:

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

CEO Jones gave updates on the following substandard properties:

- 604 FRONTIER – No change. CS Gregory reported that the owners may have moved to California and judgment for taxes is expected in the future.
- 933 CARONDOLET – Significant progress.
- 5008 SHERWOOD – No change. Will bring to Council for civil penalties.
- 4412 LAWRENCE – Council had extended the certificate of occupancy. No permits.
- 1117 LONG AVE. – Council had extended the certificate of occupancy. Final certificate of occupancy has been scheduled.
- 5100 TULANE – Council had extended the certificate of occupancy. No permit.

- 5516 N. SCHILDER – Substantial progress.
- 1709 LONG AVE. – No change. Will enforce with certificate of occupancy.
- 817 WALTER DR. – No change. Will enforce with certificate of occupancy.
- 1202 BANKS – No change. Will enforce with certificate of occupancy.
- 5008 PENROD CT. – Ownership has changed. Junk and debris has been removed from the property.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

21. 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 introduced Officer Alex Garza as the newest member of the force.

PC Carter reported a robbery at Whataburger. He stated that similar burglaries have occurred all over the metroplex and are assumed to be related.

PC Carter described a hit and run incident on Barbara Road at which the suspect was apprehended.

22. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

FC Shelley was present to answer questions. CM Scott noted that the fire department report was incomplete in the packet. Staff explained that the report was received in time but must not have scanned properly and the report will be emailed.

FC Shelley explained that sometimes certain calls necessitate the activation of mutual aid with Sansom Park particularly for medical calls when River Oaks does not have a medically trained person available. He added that River Oaks reciprocates this action when necessary.

FC Shelley reported a structure fire today at which the department was on scene within 5 minutes and was able to contain the fire to the room of origin.

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

No discussion occurred.

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

No discussion occurred.

25. **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.

26. **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.

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

No discussion occurred.

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

CS Gregory stated that this report was handed out this evening.

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

No discussion occurred.

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

No discussion occurred.

31. **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.

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

No discussion occurred.

PUBLIC FORUM:

33. **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.**

Mayor Pro Tem Holland promoted an MPS Event at the Community Center on Saturday, November 29, 2014 which includes a bake sale, auction, and ornaments designed by his daughters Laynie and Madison. CM Ashton stated that his wife had made some gluten free items for the bake sale portion of the event. It was added that CM Butler also provided some of her chocolate cakes for the event.

EXECUTIVE SESSION:

34. 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

At 8:35 p.m. Mayor Pro Tem Holland convened into executive session under Section 551.071, Section 551.074 and Section 551.076.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

At 8:58 p.m. Mayor Pro Tem Holland convened into regular session.

CM Scott moved, seconded by CM Butler, to approve the camera surveillance system in the amount of \$3,468 from court security funds. All voted "Aye."

ADJOURN:

39. ADJOURN

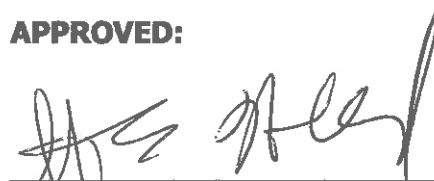
At 8:59 p.m. CM Ashton moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye."

ATTEST:



Marvin Gregory, City Secretary

APPROVED:


Steve Holland, Mayor Pro Tem