

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
JANUARY 13, 2015**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM STEVE HOLLAND (7:23 P.M.)  
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  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK  
FC RUSSELL SHELLEY  
LIBRARY DIRECTOR VERONICA CLARK  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
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, January 13, 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.

Mayor Earwood introduced Library Director Veronica Clark.

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

Mayor Earwood read a proclamation declaring January 2015 as School Board Appreciation Month.

**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 DECEMBER 9, 2014 COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING DECEMBER 23, 2014 (FY 2015)
- C. BILLS PAYABLE FOR PERIOD ENDING JANUARY 13, 2015 (FY 2015)
- D. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE VERONICA CLARK AS THE PART-TIME LIBRARY DIRECTOR

E. RATIFY AGREEMENT WITH ALLIED COMPLIANCE SERVICES FOR DRUG AND ALCOHOL TESTING

**CM Butler moved, seconded by CM Ashton, to approve 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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.

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

7. CONSIDER APPROVAL OF ANNUAL DELINQUENT TAX REPORT AS PRESENTED BY CHARLES BRADY OF PURDUE, BRANDON, FIELDER, COLLINS & MOTT L.L.P.

Charles Brady, representative for Purdue, Brandon, Fielder, Collins and Mott L.L.P., delivered the delinquent tax report, stating that \$1,757,281 of the \$1,839,264 in taxes levied for 2013 has been collected leaving only about 4.5% unpaid. He also noted that as of January 7, 2015 there was \$132,822 in base taxes due on 595 accounts.

**CM Gordon moved, seconded by CM Scott, to accept the report. All voted "Aye."**

8. CONSIDER APPROVAL OF **RESOLUTION # 817-2015** APPROVING THE SALE OF ACQUIRED DELINQUENT TAX PROPERTY LOCATED AT 5517 DARTMOUTH AVE.

Charles Brady, representative for Purdue, Brandon, Fielder, Collins and Mott L.L.P., presented a bid of \$10,000 for the delinquent tax property at 5517 Dartmouth. The property is currently valued on TAD (Tarrant County Appraisal District), at \$15,000. The City of River Oaks would receive \$2,234.99 and would have to write off \$1,290.24.

**CM Gordon moved, seconded by CM Ashton, Resolution #817-2015 approving the sale of delinquent tax property located at 5517 Dartmouth. All voted "Aye."**

9. CONSIDER APPROVAL OF REQUEST BY MARILYN BALDING AT 5309 TAYLOR TO WAIVE THE LIEN CHARGES ACCESSED AGAINST THAT PROPERTY FOR NUISANCE ABATEMENT

Mayor Earwood stated that the Council has waived these charges in similar cases in the past since the owner had no knowledge of the invoice or the lien.

**CM Scott moved, seconded by CM Butler, to waive the lien for Marilyn Balding at 5309 Taylor. All voted "Aye."**

10. CONSIDER APPROVAL FOR EXTENSION OF SIGN PERMIT FOR SPECIAL PURPOSE SIGNAGE TO DISPLAY THE STATUTE OF LIBERTY BALLOON AT 4833 GREEN OAKS UNTIL APRIL 15, 2015

Mayor Earwood stated that this request was approved last year and this offers support to the tax businesses during their peak season.

**Mayor Pro Tem Holland moved, seconded by CM Ashton, to approve the extension of the sign permit for special purpose signage to display the Statue of Liberty balloon at 4833 Green Oaks until April 15, 2015. All voted "Aye."**

11. CONSIDER APPROVAL TO AWARD CONTRACT TO WHECO ELECTRIC, INC. FOR UPGRADING SCADA SYSTEM AT THE RIVER OAKS WATER PLANT

Bill Lohrke, representative for E.S. & C.M. Inc., stated that bids were opened on December 18, 2014 to upgrade the SCADA system at the water treatment plant. Mr. Lohrke recommended awarding the bid to the only bidder, WHECO, at a cost of \$217,410 which is \$35,590 under the estimated amount.

**CM Ashton moved, seconded by CM Gordon, to accept the bid of Wheco Electric Inc to upgrade the SCADA System at the Water Plant in the amount of \$217,410. All voted "Aye."**

12. CONSIDER APPROVAL TO INSTALL CEMENT FIBER BOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 5417 STANFORD AS REQUESTED BY FRANCISCO MARTINEZ

Francisco Martinez, 5417 Stanford, requested to replace the siding on his house with cement fiber board.

**CM Butler moved, seconded by CM Gordon, to approve the installation of horizontal Hardiboard at 5417 Stanford. All voted "Aye."**

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

13. CONSIDER APPROVAL OF **ORDINANCE # 1055-2015** AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2006); REVISING ARTICLE 13.10 "STORM WATER MANAGEMENT PROGRAM" BY REPEALING IN ITS ENTIRETY THE EXISTING ARTICLE 13.10 AS ADOPTED ON DECEMBER 14, 2010; REPLACING IT WITH THE REVISED ARTICLE 13.10 HEREIN PROVIDED FOR IN THIS ORDINANCE AS "EXHIBIT A" INCORPORATING ARTICLE 13.10 DIVISION 1 "STORM WATER MANAGEMENT PLAN" AUTHORIZED BY TPDES SMALL MS4 GENERAL PERMIT (TXR040000) AND ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO THE CITY OF RIVER OAKS UNDER THE CITY'S MS4 GENERAL PERMIT NUMBER TXR040146 ON DECEMBER 11, 2014 THEREBY AMENDING THE CITY'S STORM WATER MANAGEMENT PLAN;

No discussion occurred prior to the motion.

**CM Butler moved, seconded by CM Scott, to approve Ordinance #1055-2015. All voted "Aye."**

CS Gregory summarized the changes to the plan which include the outfall mapping and sets the criteria for sampling. This will extend the plan through 2018.

**All voted "Aye."**

14. CONSIDER APPROVAL OF **ORDINANCE # 1056-2015** AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" SUBSECTION (p) "SPECIAL STOPPING INTERSECTIONS ON GILBOW AVENUE" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) DESIGNATING GILBOW AVE AT WALTER DR. AND GILBOW AVE AT THERSA DR. AT THEIR INTERSECTIONS AS SPECIAL STOP INTERSECTIONS

PC Carter requested the installation of two stop signs located at Gilbow and Walter, and at Gilbow and Thersa.

**CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1056-2015. All voted "Aye."**

15. CONSIDER APPROVAL OF **ORDINANCE # 1057-2015** EXPANDING THE 2014-2015 FISCAL YEAR WATER FUND OPERATIONAL BUDGET BALANCE AN ADDITIONAL \$40,000 IN ORDER TO EXPEND FUNDS FOR THE UNPLANNED REPAIR TO THE CITY'S WATER TREATMENT PLANT

CS Gregory requested \$48,580 from the water fund for the unplanned repairs including the finish water pumps.

**CM Butler moved, seconded by CM Gordon, to expand the water fund budget \$48,580 and approve Ordinance #1057-2015. All voted "Aye."**

16. CONSIDER APPROVAL OF **RESOLUTION # 816-2014** AMENDING THE CITY'S EMPLOYEES PERSONNEL POLICY UNDER SECTION 5.10 "OTHER LEAVE WITH PAY" BY REVISING SECTION 5.10(d) "LEAVE DUE TO SEVERE WEATHER; ICE AND SNOW DAYS"

PC Carter presented an option for when City Hall closes due to inclement weather, stating that all employees could be given a number of hours equivalent to the number of hours of the closure. This time could be used on the inclement weather days or at a later date. He suggested this would have a zero budget impact. Mayor Pro Tem Holland explained that the current proposal (Resolution #816-2014) allows employees who do not work to use the time that day and employees who do work can use the time off on another day. Mayor Pro Tem Holland pointed out that PC Carter's proposal allows for undo compensation for those not scheduled to work. Council Members considered the zero budget impact as favorable.

**Mayor Pro Tem Holland moved, seconded by CM Scott, to approve Resolution #816-2014. All voted "Aye."**

17. CONSIDER APPROVAL OF **ORDINANCE # 1058-2015** AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.039 "RECONNECTION" OF THE RIVER OAKS CODE OF ORDINANCES BY AMENDING SECTION 13.02.039 "RECONNECTION", SUBSECTION (c) ESTABLISHING THE WATER ADMINISTRATION DEPARTMENT AS THE LOCATION FOR AFTER-HOURS PAYMENTS ON ACCOUNTS DISCONNECTED FOR NON-PAYMENT

PC Carter requested that after-hours utility payments be moved from dispatch to the water department because it interferes with the duties of the dispatcher. CS Gregory supported the request, stating that the utility clerk's hours could be staggered to accommodate the change. Council Members verified that the administrative fee (\$25) and after hours fee (\$75) are still to be charged for reconnections done after 5:00 p.m. Mayor Earwood suggested that all utility payments be made during regular business hours. Mayor Earwood expressed concern that the staggered hours would affect days off and days when employees are ill and miss work. CS Gregory verified that the after-hours time could be used productively. Council Members also discussed what services would be offered during the after-hours time. It was established that the purpose was to allow only for after-hours payments.

**CM Ashton moved, seconded by Mayor Pro Tem Holland, to approve Ordinance #1058-2015.**

CM Gordon requested that Staff update the Council on this subject.

**All voted "Aye."**

**OTHER ITEMS FOR DISCUSSION AND/OR ACTION:**

**18. REPORT BY POLICE CHIEF AVIN CARTER ON RESEARCH INTO PURCHASING TICKET WRITERS**

PC Carter reported that Police Department Staff is not in favor of ticket writers and he recommended not purchasing the ticket writers at this time.

**No action was taken.**

**19. REPORT BY CITY SECRETARY/ADMINISTRATOR ON THE 2006 SANITARY SEWER OUTREACH (SSO) AGREEMENT WITH T.C.E.Q.**

CS Gregory reported that TCEQ has not responded to a letter requesting an extension on the SSO agreement. CS Gregory explained some of the delays are caused by the stringent restrictions on EDC Funds and a reduction in CDBG grant funding.

**No action was taken.**

**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.****

Mayor Earwood announced that EMC Myrick will speak on Earthquakes at the Community Luncheon this month.

**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 8:40 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."**

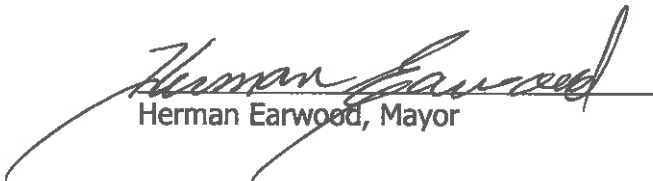
**APPROVED:**

**ATTEST:**



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Marvin Gregory, City Secretary



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Herman Earwood, Mayor