

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 23, 2014**

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
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
COMMUNITY CENTER CO-DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER CO-DIRECTOR SHIRLEY BLOOMFIELD
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
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 23, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Councilmember Holland delivered the Invocation.

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

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

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

Mayor Earwood read the proclamation proclaiming October 7th to be National Night Out

5. SPECIAL ACCOMODATION AS PRESENTED BY THE MAYOR AND CITY COUNCIL

Chandler Haake of Senator Jane Nelson's Office presented a proclamation to Sergeant Steve Nance, Police Officer Timothy Whitley and Police Officer Nathan Wilson for their heroic rescue of John Sauer from the intense structure fire in the 900 block of Churchill Road at approximately 1:00 A.M. on the morning of Wednesday, September 17, 2014. **Anne Cozart** was present recognizing the three officers on behalf of State Representative Charlie Geren. **Mayor Earwood** presented plaques to all three River Oaks officers on behalf of the City of River Oaks recognizing them for their saving of a life. Afterwards the Mayor called for a short recess in order to allow others to personally thank the officers.

Meeting was reconvened into regular session at 7:25 P.M.

6. **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 SEPTEMBER 9, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 23, 2014 (FY 2014)

CM Gordon moved, seconded by CM Butler, to approve consent agenda items A and B. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION

None.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. CONSIDER APPROVAL OF REQUEST FROM PEDRO GARCIA TO RENT THE COMMUNITY CENTER FOR A RELIGIOUS EVENT IN WHICH THE USE OF WINE WILL BE USED AS A PART OF THE CEREMONY.

Pedro Garcia was present requesting to rent the community center to celebrate the Lord's Supper on April 3, 2015 with the use of sacrificial wine.

CM Gordon, seconded by CM Ashton to allow Pedro Garcia to rent the community center on April 3, 2015 allowing the use of wine in the religious ceremony with the stipulation the wine is to be used symbolically and not for consumption. All voted "Aye".

9. CONSIDER APPROVAL OF **RESOLUTION # 809-2014** APPROVING SPECIAL EVENT PERMITTING AT 5613 MEANDERING RD. FOR THE RIVER OAKS CHRISTIAN CHURCH TO HOLD A HARVEST FESTIVAL ON OCTOBER 18, 2014.

Cheryl Richardson represented the River Oaks Christian Church in their request to hold the 4th annual Fall Festival on October 18, 2014 from 11:00 A.M. to 3:00 P.M. on the church's property at 5613 Meandering Road. There will be food, drinks and games provided.

CM Ashton moved, seconded by CM Butler, to approve Resolution 809-2014 approving special event permitting at 5613 Meandering Road for the River Oaks Christian Church to hold a Harvest Festival on October 18, 2014 from 11:00 A.M. until 3:00 P.M. All voted "Aye."

10. CONSIDER APPROVAL OF CONTRACT WITH TARRANT COUNTY FIRE ALARM CENTER FOR FISCAL YEAR 2014-2015 FOR EMERGENCY DISPATCH SERVICES.

Councilman Holland reported there had been extensive research done by the Finance Committee and with the recordkeeping and dispatching services that Fire Alarm provides, it is their recommendation at this point in time, it would be better to stay with Fire Alarm in dispatching our fire calls.

CM Ashton moved, seconded by CM Scott approving the contract with Tarrant County Fire Alarm Center for Fiscal Year 2014-2015 for emergency fire dispatch services. All voted "Aye."

11. CONSIDER APPROVAL OF SCHEDULING FOR CITY HOLIDAY EVENTS AND CLOSINGS.

CM Ashton recommended that the city close at noon on Christmas Eve, but not to close on Wednesday, December 31st for New Year's Eve.

CM Gordon moved, seconded by CM Ashton, to approve the city holiday schedule as submitted with the exceptions to close city offices at noon on Wednesday December 24th through Friday, December 26th for the Christmas holiday and to only close Thursday, January 1st for New Year's Day holiday. All voted "Aye."

12. DISCUSSION AND/OR ACTION ON REVISING THE COMMUNITY CENTER SIDEWALK PROJECT PREVIOUSLY APPROVED BY THE CITY COUNCIL DUE TO POSSIBLE SAFETY CONCERNS.

Mayor Earwood stated the city council in May 2010 had approved taking the sidewalk from the community center entrance porch to Winters Street, which he was not aware had been approved until he had CS Gregory research the minutes. For safety reasons, the Mayor recommends that instead of going straight to Winters at that point, the city council might consider connecting the sidewalk in front of the east side of the community center that runs north to south and extend it to the community center entrance porch on Blackstone Dr. with a 6-foot wide triangular turn back to the west ultimately connecting to the front entrance where there currently is no sidewalk. With there already being a sidewalk from the east entrance door to Winters, this would be more realistic than having a straight path to Winters Street from the community center entrance where there was no crosswalks on Winters Street for pedestrian safety and where bicyclists can ride their bicycles non-stop straight into the street from the entrance porch of the community center without any safety guards.

CM Ashton moved, seconded by CM Butler, to approve the Mayor's recommendation to construct a 6-foot sidewalk to reconnect with the existing north to south sidewalk and not go straight through to Winters as previously approved. All voted "Aye."

13. CONSIDER APPROVAL FOR THE COMMUNITY CENTER TO HOLD A TRADES DAY EVENT AT THE COMMUNITY CENTER.

Co-Directors Shirley Wheat and Shirley Bloomfield reported that Lori & Jerry Hicks have requested to administer a trade's day event on a 50/50 split with the City. There would be a charge for each space rented in order to allow a person to sell their merchandise from. It was stated that this concept would enable people to gather in one area where the public could come and shop without having to hunt up individual garage sales and that might be something to consider in doing away with garage sales and have a trade's day held in the community center parking lot up to 4-times in a year.

CM Gordon stated she was not in support of having somebody over the event on a 50/50 split. **CM Holland** questioned what would those in charge of the trade's day actually be doing? **Co-Director Wheat** stated they would show, assign and monitor the spots to the sellers. **Wheat** stated we would need a garbage truck on site in order to dispose of any garbage or items left over from the sale. **Mayor Earwood** felt that this would be an expense to the city possibly causing damage to the

property. He would be in support only for the city to be over it. **CM Holland** stated that the current garage sales ordinance prohibits bringing in merchandise to sale from outside the city and we already get a lot of garbage just from individual garage sales here in the city, which with a trade's day event there would be even more garbage that the city would have to dispose of.

CM Gordon moved, seconded by CM Scott to deny the request as submitted. All voted "Aye".

14. CONSIDER APPROVAL OF **RESOLUTION # 810-2014** APPROVING SPECIAL EVENT PERMITTING AT COMMUNITY CENTER IN ORDER TO HOLD A RIVER OAKS COMMUNITY NIGHT OUT EVENT ON OCTOBER 7, 2014.

Police Chief Avin Carter requested approval to hold an outside event in honor of National Night Out on October 7th that would include having Med-Star, Police Department and Fire Department on site for citizens to view their emergency vehicles, ask questions and get to know their emergency service providers. There would be lots of information to give out to the public, a bounce house for the kids and hot dogs and hamburgers cooked on site for the public.

Mayor Earwood stated that in times past we have participated with the Methodist Church for National Night Out, but this year the church had a conflict and couldn't hold the event on their property. Since there has been talk in the past about having the event at the Community Center, this would be the chance to see how well the community reacts to it being there.

CM Scott moved, seconded by CM Gordon, to approve Resolution 810-2014 approving special event permitting at the Community Center located at 5300 Blackstone Dr. in order to hold the "River Oaks Community Night Out" event. All voted "Aye."

15. DISCUSSION AND/OR ACTION ON LIBRARY HOURS OF OPERATIONS AND SCHEDULING EFFECTIVE ON OCTOBER 1, 2014.

CS Gregory in working with **Mary Earwood, Library Director**, presented to the council for their consideration, a plan to keep the Library open 3-days a week; Mondays 12 noon until 6 P.M., Wednesdays 10:00 A.M. until 5:00 P.M. and Fridays 10:00 A.M. until 5:00 P.M. The new plan is a part of the FY 15 budget that reduced Library operations to 20-hours per week. **CM Holland** questioned if the staffing under the new reduced scheduling would meet the budgeted amount for employee salaries? **CS Gregory** responded that it would come in under budget. Gregory also requested that the new hours not start until October 6th, allowing time to give the public notice of the new hours.

CM Ashton moved, seconded by CM Gordon to approve the new Library schedule that will start on Monday, October 6th. All voted "Aye".

16. CONSIDER APPROVAL TO ADVERTISE AND SOLICIT BIDS FOR THE PURCHASE OF EASEMENT FOR GROUND SPACE AROUND THE VERIZON TOWER LOCATED AT 4900 RIVER OAKS BLVD DESCRIBED BY EXISTING WIRELESS SERVICE PROVIDER LEASES INCLUDING EQUIPMENT FOOTPRINTS AND ACCESS AND UTILITY EASEMENTS.

City Attorney Betsy Elam reported the Agreement from Unison was a very complicated document and after her numerous phone conversations with their Attorney, she had been able to get certain areas revised. However, her biggest concern is that pursuant to Chapter 272 of the Local Government Code, the sale or lease of properties by municipalities should be competitively bid.

CM Holland moved, seconded by CM Butler to advertise and solicit bids for the conveyance of the easement by the City of ground space around the Verizon Tower at 4900 River Oaks Blvd. All voted "Aye".

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF **ORDINANCE # 1043-2014** 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 reported that with the Fort Worth sewer treatment increase effective on October 1, 2014 and with the increased costs in operating the River Oaks sewer collection system, it necessitated the City of River Oaks also to increase sewer rates approximately 2.2% within the City.

CM Butler moved, seconded by CM Ashton to adopt Ordinance # 1043-2014 increasing sewer rates within the City as submitted. All voted "Aye".

18. CONSIDER APPROVAL OF **ORDINANCE # 1044-2014** AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.011 "WATER RATES", OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING WATER RATES INCORPORATING A RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS AND INSIDE AND OUTSIDE THE DISTRICT.

CS Gregory reported that with the rate increases from Tarrant Regional Water District and the City of Fort Worth, it necessitated the City of River Oaks also to increase water rates within the City to offset those rate increases.

CM Butler moved, seconded by CM Gordon to adopt Ordinance # 1044-2014 increasing water rates within the City as submitted. All voted "Aye".

Mayor Earwood stepped away from the dais at 8:28 P.M. Mayor Pro-Tem Holland will preside over the remainder of the meeting.

19. CONSIDER APPROVAL OF **RESOLUTION # 811-2014** ADJUSTING THE RESIDENTIAL SOLID WASTE COLLECTION RATES WITHIN THE CITY.

CS Gregory reported that he had performed a rate comparison amongst other cities in considering the City's proposed sanitation rates and found that an increase from \$17.46 to \$19.46 plus tax per household is not out of line with the others especially when you take into consideration the additional services that River Oaks provides versus those cities.

CM Gordon moved, seconded by CM Butler to adopt Resolution # 811-2014 increasing sanitation rates two dollars per household plus tax. All voted "Aye".

STAFF REPORTS:

20. EMC JAMES MYRICK ON EMERGENCY MANAGEMENT PLANNING

EMC Myrick reported on the on-going planned exercises regarding the Alpha Pod that delivers certain supplies to essential personnel in the event of a biological attack. Currently, FEMA is only seeking numbers of essential personnel that would need access to those supplies and the costs associated are not a budget impact to the city. He needs real numbers to report to FEMA by this coming Friday.

NO FURTHER ACTION TAKEN

21. STAFF REPORT ON SUBSTANDARD PROPERTIES:

CEO Jones reported on the following substandard properties with updates as follows:

- **604 FRONTIER:** There is still no change from last month.
- **933 CARONDOLET:** Property is still vacant; it is anticipated that there will be a pending sale to another buyer soon.
- **1167 GREENBRIER:** Gas stops have been replaced, electrical still not permitted or inspected. Administrative Hearing has been continued to the October 28th Council Meeting.
- **5008 SHERWOOD:** Bayview Servicing met with city staff on August 27, 2014 but still no plan of action presented.
- **5129 PENROD:** Active Permits issued that expire 01/08/2015.
- **4412 LAWRENCE:** Electric Permit issued that expires 1/22/2015.
- **1117 LONG AVE.:** Active Permits that expire 01/22/2015.
- **5516 N. SCHILDER:** Active Permits that expire 10/04/2014
- **5100 ALMENA RD. :** Approved, all permits finalized.
- **1709 LONG AVE.:** Vacant. On hold pending certificate of occupancy inspection.
- **817 WALTER DR.:** Public Hearing continued until October 28, 2014 at 7:00 P.M.

- **1202 BANKS:** Vacant. On hold pending certificate of occupancy inspection.
- **5008 PENROD CT.:** Vacant & Secured. Order expires on September 28, 2014.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

22. **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 further elaborated on the heroic rescue by the 3 River Oaks officers that were honored earlier tonight. He further commended **Constance Taylor** (dispatcher) for her outstanding performance in handling the 911 call during that time in keeping the caller calm. Carter was questioned where the 911 calls go in events where there are two cities that border each other so closely such as in this case where the incident was actually in Fort Worth. **PC Carter** responded that 911 calls go to the closest municipality, which in this case was River Oaks.

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

None.

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

None.

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

None.

26. **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.

None.

27. **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.

None.

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

None.

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

Shirley Wheat reported that a young girl had gotten on the dance floor during a recent Jam Session which caused them to post notice that nobody under the age of 16 will be permitted on the dance floor. Children must be accompanied by an adult at all times. She asked council if she was overstepping her authority of which the council assured her that she was well within her authority to do so.

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

CS Gregory reported that through December 2014, he plans on having only one-council meeting each month. The next council meeting will be Tuesday, October 28, 2014 at 7:00 P.M.

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

None.

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

None.

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

None.

34. PUBLIC FORUM: 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

Kirby Brenner questioned why the Library hours had been reduced? What happened to the \$25,000 donation that the Library received recently? Furthermore, he commented that now there will be a part-time employee operating the library. **CM Holland** responded that the hours of operations were reduced for personnel costs based off previous research by the council that certain areas need to be reduced and it just so happens that the Library was one of those areas. All employees in the Library are part-time except for the Librarian, who will be retiring after the first of the year. **CS Gregory** stated the \$25,000 dollar donation was deposited into Account 2197 that is a liability account of which the funds can only be used for the Library.

Mr. Brenner commented that Saturdays would be a better day to be open. It was mentioned from the council that in the past, surveys had been conducted and the results indicated that the public had limited interest in being open on Saturdays. **CM Holland** stated that staff was given the responsibility to set the schedule and if they recommended to be open on Saturdays, council would have no objection as long as they did not exceed the budgeted amount of 20-hours per week to be open.

Mr. Brenner stated he understood that Libraries are changing with all the technology that is out there now, but there are additional funding out there for Libraries and with Tex-Share, the city just needs to right-size it. **CM Holland** commented that the city council would be receptive to reconsidering the current plan if there arises the need to.

EXECUTIVE SESSION:

35. 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:
- 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:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

37. ADJOURNMENT

At 9:15 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor


Steve Holland, Mayor Pro-Tem

ATTEST:

A handwritten signature in black ink, appearing to read 'M. Gregory', written over a horizontal line.

Marvin Gregory, City Secretary