

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

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

MEMBERS PRESENT:

MAYOR PRO TEM STEVE HOLLAND (OUT OF TOWN)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF RUSSELL SHELLEY
EDC CONSULTANT PATRICIA WARD
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
RECORDING SECRETARY SUSAN STEWART
EDC CONSULTANT PATRICIA WARD
LIBRARY DIRECTOR VERONICA CLARK
ASSISTANT CITY SECRETARY PAULA LUCK
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, October 13, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton 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

Mayor Earwood read a proclamation declaring October 26, 2015 through October 30, 2015 as Red Ribbon Week.

Mayor Earwood read a proclamation declaring November 2, 2015 through November 6, 2015 as Municipal Court Week.

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 SEPTEMBER 8, 2015 REGULAR COUNCIL MEETING
- B. RATIFY BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 22, 2015 (FY 2015)
- C. APPROVE BILLS PAYABLE SEPTEMBER 23RD THRU 30TH , 2015 (FY 2015)
- D. APPROVE BILLS PAYABLE FOR PERIOD ENDING OCTOBER 13, 2015 (FY 2016)

- E. APPROVE RESIGNATION OF NORMA CUMBERLEDGE AS PARKS BOARD MEMBER
- F. APPROVAL TO APPOINT SAL LIMAS AS PARKS BOARD MEMBER
- G. APPROVAL OF MAYOR'S RECOMMENDATION FOR TERMINATION/RESIGNATION OF PUBLIC WORKS EMPLOYEES

CM Gordon moved, seconded by CM Butler, to approve the consent agenda items A through G. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 **RESOLUTION # 841-2015** FOR SPECIAL EVENT PERMITTING IN ORDER FOR FOUNTAIN OF BLESSING CHURCH TO HOLD THEIR ANNUAL CHURCH HARVEST FESTIVAL ON SATURDAY, OCTOBER 31, 2015

Pastor Oscar Salazar requested to hold their annual fall event.

CM Scott moved, seconded by CM Ashton, to approve Resolution #841-2015. All voted "Aye."

8. CONSIDER APPROVAL OF **RESOLUTION # 842-2015** FOR SPECIAL EVENT PERMITTING IN ORDER FOR RIVER OAKS CHRISTIAN CHURCH AT 5613 MEANDERING RD. TO HOLD THEIR ANNUAL FALL FESTIVAL ON SATURDAY, OCTOBER 24, 2015

Cheryl Richardson requested to hold their 5th annual fall festival on October 24, 2015 from 11:00 a.m. to 3:00 p.m. in front of their church.

CM Butler moved, seconded by CM Gordon, to approve Resolution #842-2015. All voted "Aye."

Ms. Richardson inquired about a sign that was placed at Chicken Express promoting the event which has been removed. COE Jones will perform research and respond.

9. CONSIDER APPROVAL OF **RESOLUTION # 843-2015** FOR SPECIAL EVENT PERMITTING IN ORDER FOR GIGGLES THERAPY AT 905 ROBERTS CUT OFF RD. TO HOLD A FALL FESTIVAL ON THURSDAY, OCTOBER 29, 2015.

Samantha Owen, director of Giggles Therapy, requested to hold a fall festival for the children of their program as well as the public.

CM Ashton moved, seconded by CM Gordon, to approve Resolution #843-2015. All voted "Aye."

10. CONSIDER APPROVAL OF REQUEST BY RIVER OAKS HEALTH & REHAB TO PLACE AN ANGEL TREE IN THE CITY HALL LOBBY TO ALLOW THE COMMUNITY TO ADOPT RESIDENTS FOR CHRISTMAS

A representative was not present.

Mayor Earwood suggested the Angel Tree be allowed based on last year's success.

CM Gordon moved, seconded by CM Ashton, to approve the request of River Oaks Health and Rehab to place an Angel Tree in the City Hall Lobby.

CS Gregory responded to an inquiry, stating that the tree is placed in the lobby around Thanksgiving and is removed in early December.

All voted "Aye."

11. DISCUSSION AND/OR ACTION ON CITIZEN REQUEST BY CONNIE ADAMS REGARDING PLACEMENT OF THE FENCE ALONG THE EAST SIDE THE COMMUNITY CENTER AT 5300 BLACK STONE DR.

Connie Adams asked when the fence which was started three years would be finished. Mayor Earwood stated the intention to finish the fence is depending on funding. Ms. Adams stated that she is not opposed to the idea of contributing to the cost of the fence as suggested by Mayor Earwood.

No action was taken.

12. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH STREETCRED AS A SOLE SOURCE PROVIDER OF FUGITIVE CASE MANAGEMENT TOOLS REDUCING WARRANT COLLECTIONS AND IMPROVING OFFICER SAFETY

Robert Johnson, StreetCred Software, described the services offered which expands on existing warrant collections and to increase efficiency and officer safety for the same 30% fee. PC Carter and Warrant Officer Cantu spoke in favor of the software. CA Elam stated a few minor issues with the contract and requested approval be subject to her review. Mr. Johnson responded to an inquiry regarding the technical requirements, stating that staff has verified most requirements are already in place. Mr. Johnson stated that the software interfaces with INCODE at no additional charge. CS Gregory stated that the current provider requires a 30-day notice of cancellation.

CM Ashton moved, seconded by CM Gordon, to enter into an agreement with StreetCred as a sole source provider of fugitive case management tools reducing warrant collections and improving officer safety pending final approval by the City Attorney and to activate the 30-day termination on the other contract. All voted "Aye."

13. CONSIDER APPROVAL OF FIRST RENEWAL OF INTERLOCAL AGREEMENT; COURT ORDER 119301 FOR COOPERATIVE FUNDING FROM TARRANT COUNTY REGARDING THE STATE HIGHWAY 183 CORRIDOR STUDY

CS Gregory stated that this item known as "River Oaks Revival" or "183 Corridor Planning" requires renewal with Tarrant County at the end of each fiscal year until the project is complete.

CM Gordon moved, seconded by CM Butler, to approve the renewal of the inter-local agreement court order 119301 for cooperative funding from Tarrant County. All voted "Aye."

14. DISCUSSION AND/OR ACTION ON CITIZEN COMPLAINT FROM SHERRIE DAST REGARDING HANDLING AND RESEARCH OF UTILITY ACCOUNTS BY CITY STAFF, UTILITY ACCOUNT CONFIDENTIALITY AND CITY STAFF CONDUCT

Sherrie Dast described events in which her water payment was not applied to her account after she dropped it in the night drop and her interaction with City staff. Ms. Dast expressed concern over the assumption that she did not pay her bill, the manner in which staff handled the situation, the fact that she was told there is a confidentiality report on the account, and the fact that the report has not been produced as requested. Ms. Dast further explained that Mayor Earwood "shut down" the communication between her CS Gregory and City Staff which she feels could have resulted in a resolution. Ms. Dast stated that she has sent an open records request for the confidentiality report which has not been provided. Ms. Dast concurred that she has had issues corresponding with CS Gregory by email. Ms. Dast suggested procedures for researching errors and indicated that she is owed an apology. CM Ashton described an incident in which a gentleman was arrested for outstanding warrants in Sansom Park after he had paid cash and received receipts for transactions which were not entered into the system by the court clerk. CM Ashton asked if Ms. Dast apologized to him. Ms. Dast responded that she would have if he had come in but she did not see the relevance.

No action was taken.

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

CS Gregory stated that Mayor Earwood approved the issuance of the permit contingent on the ratification of the City Council for the development fee of 2% which in this case was \$623.17.

CM Gordon moved, seconded by CM Butler, to approve the right-of-way excavation permit as requested by Zayo Group in the amount of \$623.17. All voted "Aye."

16. CONSIDER APPROVAL OF REQUEST FROM CASTLEBERRY INDEPENDENT SCHOOL DISTRICT FOR CITY SERVICES

A representative was not present.

Mayor Earwood suggested continued support of the school district by disposing of the brush at the ballfields for the estimated cost of the disposal. CA Elam cautioned that incidental municipal purpose must be determined and the City cannot incur any expense on behalf of the school district.

CM Scott moved, seconded by CM Gordon, that in return for fees for the estimated disposal fees, we will assist Castleberry Independent School District with the disposal of trees and brush at the ballpark and sweeping as needed on special occasions. All voted "Aye."

17. CONSIDER APPROVAL OF AGREEMENT WITH BRINSON BENEFITS TO ADMINISTER THE REPORTING REQUIREMENTS UNDER THE AFFORDABLE HEALTH CARE ACT VERIFYING EMPLOYER'S MEETING THE REQUIRED COVERAGE OFFERED TO CITY EMPLOYEES

CS Gregory recommended contracting with Brinson Benefits to provide the two new reporting forms and requirements which go into effect this year under the health care act.

CM Gordon moved, seconded by CM Scott, to enter into an agreement with Brinson Benefits to administer the reporting requirements under the affordable health care act verifying employer's meeting the required coverage offered to city employees in the amount of \$792.40 per year. All voted "Aye."

18. CONSIDER APPROVAL OF MUTUAL AID SERVICE AGREEMENT BETWEEN TARRANT COUNTY EMERGENCY SERVICES DISTRICT ONE AND THE CITY OF RIVER OAKS FIRE DEPARTMENT FOR FY 2016

FC Shelley requested approval for the annual agreement.

CM Gordon moved, seconded by CM Ashton, to approve the mutual aid service agreement between Tarrant County Emergency Services District One and the City of River Oaks Fire Department for fiscal year 2016. All voted "Aye."

19. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH TARRANT COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT FOR A DONATION OF RADIO EQUIPMENT AND COMMUNICATIONS ASSISTANCE AGREEMENT WITH THE CITY OF FORT WORTH FOR SYSTEM ACCESSIBILITY

FC Shelley requested approval to accept radio equipment and installation which will improve interoperability across communities in Tarrant County and to enter into an agreement with the City of Fort Worth to access the radio system. FC Shelley added that the City would be responsible for ongoing maintenance and repairs of the equipment.

CM Scott moved, seconded by CM Butler, to approve the inter-local agreement with Tarrant County 9-1-1 Emergency Assistance District for the radio equipment and with the City of Fort Worth. All voted "Aye."

20. CONSIDER APPROVAL TO CLOSE THE 4500-4600 BLOCKS OF BARBARA RD. ON OCTOBER 30TH BETWEEN 8:15 TO 8:45 A.M. FOR THE ANNUAL BOOK FAIR AT A.V. CATO ELEMENTARY SCHOOL

PC Carter recommended approval.

CM Gordon moved, seconded by CM Butler, to close the 4500-4600 blocks of Barbara Road on October 30th between 8:15 to 8:45 a.m. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

21. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **1425 BYRD ST.**

At 7:55 p.m. the public hearing was opened.

COE Jones stated that the property at 1425 Byrd is a direct threat to the health, safety and welfare of the citizens following a fire. Jones reported that although the property is secure, the fire penetrated through the sides of the house, weakening the rafters and studs. Jones estimated a loss in excess of 60% and recommended the structures be demolished.

John Pena, Avocet Ventures, stated the goal is to remodel or rebuild the structures and put a new family in the home. Mr. Pena requested time to obtain funding from the insurance company and to determine if they will repair or rebuild. CS Gregory informed Mr. Pena that a plan of action would be required if the plan is to repair the structure.

It was announced that this public hearing would remain open and be continued on November 10, 2015 at 7:00 p.m.

22. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **1425 BYRD ST.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

23. **PUBLIC HEARING:** IN ORDER TO RECEIVE TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT (*ZONING CASE # PZ 2015-02*). (*HELD OPEN UNTIL NOVEMBER 16, 2015 BY THE PLANNING & ZONING COMMISSION*)

At 8:05 p.m. the public hearing was opened.

It was announced that this public hearing would remain open and be continued on December 8, 2015 at 7:00 p.m.

24. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT (*ZONING CASE # PZ 2015-02*)

No action was taken.

25. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING A **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE SUBMITTED BY *ISTOOK 401(K) PLAN % DON ISTOOK* TO CONSTRUCT A 28,000 TO 30,000 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE CASTLEBERRY GARDENS ADDITION DESCRIBED AS BEING 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS CONTINGENT SOLELY ON PROPERTY BEING REZONED TO A "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 1060-2015. (*ZONING CASE # PZ 2015-03*)

It was announced that this item is no longer applicable.

26. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE SITE PLAN PROPOSAL AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE SUBMITTED BY *ISTOOK 401(K) PLAN % DON ISTOOK* TO CONSTRUCT A 28,000 TO 30,000 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE CASTLEBERRY GARDENS ADDITION DESCRIBED AS BEING 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS CONTINGENT SOLELY ON PROPERTY BEING REZONED TO A "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 1060-2015. (*ZONING CASE # PZ 2015-03*)

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

27. CONSIDER APPROVAL OF **ORDINANCE # 1087-2015** AMENDING THE 2015-2016 FY GENERAL FUND BUDGET FOR EXPENDITURES OF LIBRARY DOLLAR DONATIONS FOR COMMEMORATIVE PLAQUES--ERNESTINE A. CONLEY & MARY EARWOOD

LD Veronica Clark requested to use dollar donations to purchase commemorative plaques to honor Ernestine Conley, a generous donor and Mary Earwood, the former librarian.

CM Ashton moved, seconded by CM Butler, to approve Ordinance #1087-2015 amending the 2015-2016 fiscal year general fund budget for expenditures of library

dollar donations for commemorative plaques for Ernestine A. Conley and Mary Earwood in the amount of \$642. All voted "Aye."

28. CONSIDER APPROVAL OF **RESOLUTION # 844-2015** AUTHORIZING E.S. & C.M. ENGINEERING, INC TO RECOMMEND TO TARRANT COUNTY THE ACCEPTANCE OF EXCELL 4 CONSTRUCTION LLC AS THE BEST VALUE BIDDER ON THE 41ST YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR THE CITY OF RIVER OAKS; AWARDDING THE 41ST YEAR CDBG PROJECT NO. B13-UC-48-0001-54-50 TO EXCELL 4 CONSTRUCTION LLC; AND PROVIDING A CITY PLEDGE OF \$21,090.00 DOLLARS TO THE PROJECT

No discussion occurred.

CM Butler moved, seconded by CM Gordon, to accept Resolution #844-2015. All voted "Aye."

29. CONSIDER APPROVAL OF **RESOLUTION # 845-2015** FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CITY WIDE GARAGE SALE ON THE GROUNDS OF THE COMMUNITY CENTER ON FRIDAY, OCTOBER 23, 2015 & SATURDAY, OCTOBER 24, 2015

It was announced that this event has been canceled.

No action was taken.

30. CONSIDER APPROVAL OF **ORDINANCE # 1088-2015** REPEALING ORDINANCE 1084-2015 AS ADOPTED ON SEPTEMBER 8, 2015 AMENDING ARTICLE 13.04 "SEWER SYSTEM", SECTION 13.04.013 "SEWER SERVICE RATES", OF THE RIVER OAKS CODE OF ORDINANCES

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1088-2015.

CS Gregory requested the adoption of Ordinance #1088-2015 repealing the former ordinance which did not include the commercial sewer rate increase.

All voted "Aye."

PUBLIC FORUM:

31. 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:

32. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSIONS(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:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None

ADJOURN:

34. ADJOURN

CM Butler mentioned the upcoming Red Ribbon Breakfast Tuesday morning, October 27, 2015 at 8:00 a.m. at the administration building.

CM Butler announced that the Community Luncheon will be on the 4th Tuesday in November and on the 3rd Tuesday in December.

CM Gordon thanked CM Butler for assisting with the EDC letters for the businesses with their registration codes for shopriveroakstexas website. CM Gordon stated that three new businesses have signed up for the website.

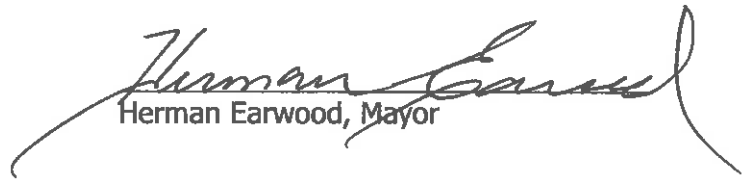
CS Gregory stated that sales tax is down 9% compared to this time last year.

Mayor Earwood stated that the outside renovation to the Community Center will begin at the end of this week

Mayor Earwood stated that the floor at the Community Center has been replaced and the time of closure may need to be extended.

At 8:15 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:



Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary