

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
APRIL 13, 2010**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOE CREWS  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER R.R. "BOB" MINTER  
COUNCIL MEMBER JOANN GORDON

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF DAN CHISHOLM  
ASSISTANT FIRE CHIEF CHRIS HAWKINS  
SECRETARY SUSAN STEWART  
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, April 13, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Holland delivered the Invocation.

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

Mayor Pro Tem Crews led the pledges of allegiance to the United States and the Texas Flags.

4. **READING OF PROCLAMATION(S) 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

- A. MINUTES OF CITY COUNCIL MEETING MARCH 23, 2010
- B. MINUTES OF TOWN HALL MEETING APRIL 1, 2010
- C. BILLS PAYABLE FOR PERIOD ENDING APRIL 13, 2010
- D. APPROVE BIG GRANT APPLICATION OF GREASED LIGHTNING SERVICE CENTER AT 5100 RIVER OAKS BLVD
- E. APPROVE BIG GRANT APPLICATION OF KEITH CORLEY AT 5430-5434 RIVER OAKS BLVD
- F. APPROVE CITY'S PARTICIPATION IN THE BIG IMPROVEMENT GRANT PROGRAM FOR RIVAS MEXICAN RESTAURANT AT 5436-5442 RIVER OAKS BLVD

**Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to approve consent agenda items A, B, C, D, E and F as presented. All voted "Aye."**

**6. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

**None.**

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

**7. PRESENTATION ON SOLAR PANEL TECHNOLOGY BY ROBERT WAGONER OF SRE 3 STANDARD RENEWABLE ENERGY**

Robert Wagoner, representative for SRE 3, Standard Renewable Energy, presented information related to the installation of some ground-mounted solar panels at the Community Center that would reduce electric usage. Mr. Wagoner stated that Oncor had issued a rebate for solar panels, however the fund has been depleted at this time and may be offered again in the future. Mr. Wagoner stated that he could prepare a contract contingent on Oncor offering the rebates in the next 60 days. After much discussion, Mayor Earwood suggested that Staff work with Mr. Wagoner and bring a plan to the City Council at the next regular meeting that would include a package of solar panels valued in the amount of the SECO grant (\$35,000) and a complete installation package for City Hall instead of the Community Center.

**No action was taken.**

**8. DISCUSSION AND/OR ACTION ON CITY'S ENERGY CONSERVATION PLANNING**

CS Gregory requested direction from the Council regarding the amperage reduction test at the filter plant as previously discussed.

**Mayor Pro Tem Crews moved, seconded by Council Member Butler, to discontinue any further action or testing with Inversion for the amperage reduction project. All voted "Aye."**

**9. DISCUSSION AND/OR ACTION ON REQUEST OF JON EVANS TO OPEN A PET CREMATION BUSINESS IN RIVER OAKS**

CS Gregory, as the Zoning Administrator, stated that mortuaries, undertakers and funeral homes are an allowed use in C-2 and therefore are allowed in C-3 of the Zoning Ordinance. However, crematories are not listed as an approved use and therefore are not permitted in any of the zoning districts.

CA Elam offered the following possible alternatives for Mr. Evans: 1) appeal to the Zoning Board of Adjustments if Mr. Evans does not agree with the decision of the Zoning

Administrator on the definition of mortuaries and funeral homes as defined as an allowable use in C-2 of the Zoning Ordinance; 2) initiate a text amendment to the Zoning Ordinance allowing for a crematory, to be approved by the City Council; or 3) apply for rezoning of the property to planned commercial, subject to Council approval.

**No action was taken.**

**10. CONSIDER APPROVAL OF CONTRACT FOR THE 2010 FISCAL YEAR (APRIL THRU SEPTEMBER 2010) WITH TARRANT COUNTY FOR FIRE DISPATCH**

Assistant Fire Chief (AFC) Chris Hawkins recommended the renewal of the contract with Tarrant County Fire Dispatch for the budgetary period of April 1, 2010 through September 30, 2010. Mr. Hawkins named several advantages of the system such as a dedicated dispatcher for each incident, time stamps, a remote command center, and automatic fill of the vacant station when the fire department is out on a call. Mr. Hawkins stated that the advantages are such that the fire department is committed to making budgetary sacrifices in order to continue with the service and stay within the allotted budget.

Mayor Earwood expressed that his preferred method of notification in the case of a structure fire is by phone call, not text message.

Mayor Earwood stated that the budgetary impact of approximately \$11,000 for six months may impact future equipment purchases. In addition, Mayor Earwood stated that the initial trial period was funded with money that was earmarked for the MedStar subsidy and that payment will be required in the near future.

The routing process of the calls was explained.

Police Dispatcher Candy Mouton relayed that since using the Tarrant County Fire Dispatch system, the police department has concerns of dropped calls during the transfer process and delays in service to the citizens. Ms. Mouton requested additional training with the fire department if dispatch duties are returned to the police department.

Shirley Minter conveyed that a recent EMS call took 25 minutes for MedStar to respond and the River Oaks Fire Department did not respond at all. AFC Hawkins replied that with a volunteer fire department, there are times that personnel shortages occur.

PC Chisholm stated the concerns of the police dispatchers regarding delays in service, especially now that the fire department is no longer automatically notified of all EMS and fire calls. AFC Hawkins replied that currently the fire department responds only to priority 1 and priority 2 EMS calls.

Danny Renois, volunteer firefighter, spoke in favor of Tarrant County Fire Dispatch, stating that service has improved.

PC Chisholm stated that the recent grant approved for the dispatch console in the amount of approximately \$30,000 would be reduced by approximately \$6,000 assuming that both fire and police were dispatched together through the Police Department and assuming the city dispatching was 80 % Police and 20% Fire.

Council Members and members of both fire department and police department agreed that service to the citizens is the priority. It was recommended that the two departments share concerns and information in order to increase communication and reach that goal.

Council Member Holland requested this item be presented to the Council in enough time to re-evaluate the service, prior to the beginning of the fiscal budget year.

Council Member Holland spoke in opposition of paying for full year of service in advance. Tarrant County Fire Dispatch Board Member Bob Harvey responded that all payments for all contracts are due within 30 days of October 1 or within 30 days of the contract expiration.

**Mayor Pro Tem Crews moved, seconded by Council Member Minter, to enter into a contract with Tarrant County Fire Dispatch for the Fiscal Year of April 1, 2010 through September 30, 2010. All voted "Aye."**

Mayor Earwood directed Dispatcher Candy Mouton to create a log of dropped calls and delays related to the transfer of calls to Tarrant County Fire Dispatch and present the information prior to the next contract renewal with Tarrant County Fire Dispatch.

11. CONSIDER APPROVAL TO CONSTRUCT AN A.D.A. WHEEL CHAIR RAMP WITH UPGRADES TO FRONT LOW WALL TO THE WEST SIDE ENTRANCE OF CITY HALL

Mayor Earwood proposed the installation of a wheel chair ramp to protect the front of City Hall from incidences of vehicles crossing the curb and entering the building. In addition, the ramp would allow wheel chair access to City Hall from the Library. Concern was expressed that the color of the brick may be difficult to match due to years of fading and aging.

CS Gregory stated that funds are available in the Building Repair Account for this project. Mayor Earwood mentioned that he believed this expenditure could come from the Court Security Fund since the renovations would be providing security to the building that the court is located in.

**Council Member Butler moved, seconded by Council Member Holland, to approve the construction of an A.D.A. wheel chair ramp, using the best possible matching brick, with upgrades to the low wall on the west side entrance of City Hall. All voted "Aye."**

12. CONSIDER APPROVAL AUTHORIZING THE MAYOR TO BID ON PROPERTY AT 1129 ST. EDWARDS IF SOLD AT AN AUCTION FOR DELINQUENT TAXES AT THE TARRANT COUNTY COURTHOUSE

[This agenda item was discussed and action was taken following agenda item no. 19.]

13. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR FUND IN ORDER TO UPGRADE VIRUS FILTERS ON LIBRARY COMPUTERS

Mayor Earwood presented the request of the Library to expend funds from the Dollar Donation Fund to purchase virus filters for computers used by the public in the amount of \$3,197.

**Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to expend funds from the Library Dollar Donation Fund in order to upgrade the virus filters on Library computers. All voted "Aye."**

14. DISCUSSION AND/OR ACTION ON EMERGENCY REPAIRS TO THE CITY'S RAW WATER INTAKE AT THE WATER TREATMENT PLANT

CS Gregory reported that there is an ongoing effort by Divers to repair the foot valves in the lake that is keeping the raw water lines from priming and therefore the city is on Fort Worth Water until the problem can be resolved.

Mayor Earwood recognize Greg Stockton and FC Crews, Certified Divers, for their efforts in diving and assisting with identifying and resolving the Filter Plant problems.

**No action was taken.**

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

15. **PUBLIC HEARING:** TO CONSIDER PUBLIC COMMENTS ON ABOLISHING, MODIFYING OR CONTINUING WITH THE CITY'S JUVENILE CURFEW ORDINANCE AS PEROVIDED FOR IN ARTICLE 8.02, DIVISION 2 OF THE RIVER OAKS CODE OF ORDINANCES

At 9:18 p.m. Mayor Earwood opened the public hearing

PC Chisholm recommended approval of the Juvenile Curfew Ordinance that is a tool used by police officers allowing them to stop juveniles for no probable cause during the hours described in the ordinance.

Gerald Findley, 4904 Barbara Rd., spoke in favor of approving the ordinance.

At 9:26 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL PURSUANT TO SECTION 370.002 OF THE LOCAL GOVERNMENT CODE FOLLOWING A PUBLIC HEARING AND REVIEW TO ABOLISH, CONTINUE OR MODIFY THE CITY'S JUVENILE CURFEW ORDINANCE BY THE CITY COUNCIL THRU THE ADOPTION OF ORDINANCE **#838-2010**

**Council Member Gordon moved, seconded by Mayor Pro Tem Crews, to approve Ordinance No. 838-2010 as presented. All voted "Aye."**

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

17. CONSIDER APPROVAL OF RESOLUTION # **675-2010** AMENDING RESOLUTION NUMBER 669-2010 CALLING THE MAY 8, 2010 GENERAL ELECTION; REVISING SECTION 2 "JOINT ELECTION AGREEMENT APPROVED" BY APPROVING THE JOINT ELECTION CONTRACT WITH TARRANT COUNTY; AND REVISING SECTION 4a "EARLY VOTING BY PERSONAL APPEARANCE" TO INCLUDE EARLY VOTING SITES ADDED DUE TO JOINT ELECTIONS WITH OTHER POLITICAL SUBDIVISIONS; PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE

No discussion occurred.

**Mayor Pro Tem Crews moved, seconded by Council Member Minter, to approve Resolution No. 675-2010. All voted "Aye."**

17. CONSIDERANDO LA APROBACION DE LA RESOLUCION # **675-2010** ENMENDANDO LA RESOLUCION NUMERO 669-2010 CONVOCANDO LA ELECCION GENERAL DEL 8 DE MAYO DEL 2010; ENMENDANDO LA SECCION 2 " ACUERDO APROBADO PARA UNA ELECCION EN CONJUNTA" AL APROBAR EL CONTRATO DE LA ELECCION EN CONJUNTA CON EL CONDADO TARRANT; Y ENMENDANDO LA SECCION 4a "VOTACION ADELANTADA POR PRESENCIA PERSONAL" PARA INCLUIR SITIOS DE VOTACION ADELANTADA AGREGADOS DEBIDO A LAS ELECCIONES CONJUNTAS CON OTRAS SUBDIVISIONES POLITICAS; PROPORCIONANDO UNA CLAUSULA DE DEROGACION Y PROPORCIONANDO UNA FECHA EFECTIVA

18. CONSIDER APPROVAL OF RESOLUTION # **676-2010** ESTABLISHING THE CITY OF RIVER OAKS PURCHASING AND PROCUREMENT MANUAL INCLUDING ATTACHMENTS; REPEALING THE PREVIOUS PURCHASING AND PROCUREMENT MANUAL APPROVED ON JULY 26, 2005; PROVIDING THAT RESOLUTION 585 ADOPTED ON SEPTEMBER 13, 2005 THAT ESTABLISHED A POLICY FOR CITY EMPLOYEES AND VOLUNTEERS TRANSACTING BUSINESS WITH THE CITY NOT BE REPEALED

CA Elam presented a revised copy of the purchasing policy, citing that many changes were made to bring the document into compliance with state law.

Mayor Earwood directed Staff to present the revised policy at the next regular meeting of the City Council, allowing time for review of the changes.

**No action was taken.**

**PUBLIC FORUM:**



19. 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**

**Don Istook** reported that the March March event was a successful and informative community event with over 100 participants.

**PC Chisholm** announced that Animal Control Officer Gillespie has resigned effective April 30, 2010.

**PC Chisholm** recognized volunteers that produced a successful CCDAC auction and dinner event. CCDAC President Nancy Crews announced that initial figures indicate revenue of approximately \$6,500 before expenses from the event.

**Shirley Wheat**, Special Events Coordinator, presented an opportunity to provide meals to children age 1 to 18 at the Community Center at no cost to the City during the summer months. The meals are state funded through a foundation. The only obligation of the City would be to provide a place to serve the meals. Mrs. Wheat noted that the deadline to sign the contract with the foundation is tomorrow, April 14, 2010. Mayor Earwood assigned Mayor Pro Tem Crews and Council Member Butler to review the contract and make a recommendation to the Mayor, who would then sign the contract if appropriate. Mrs. Wheat stated that she would attempt to contact the foundation and request additional time. Mayor Earwood stated that a special called meeting of the City Council could be called, if necessary, after an agenda is posted for the required 72-hour period.

12. CONSIDER APPROVAL AUTHORIZING THE MAYOR TO BID ON PROPERTY AT 1129 ST. EDWARDS IF SOLD AT AN AUCTION FOR DELINQUENT TAXES AT THE TARRANT COUNTY COURTHOUSE

*[Action on this agenda item was taken following executive session.]*

#### **EXECUTIVE SESSION:**

20. 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

*[At 9:48 p.m. Mayor Earwood convened into executive session under Sections 551.071, 551.072, and 551.074.]*

*[At 10:10 Mayor Earwood reconvened into regular session.]*

**RECONVENE:**

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

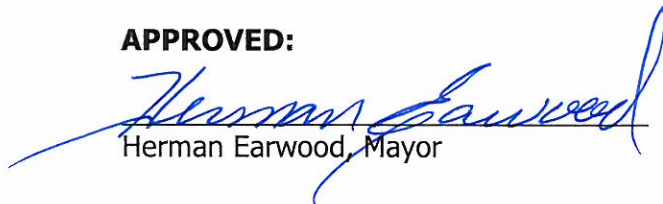
**Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to authorize Mayor Earwood to bid on the property located at 1129 St Edwards if sold at auction for delinquent taxes at the Tarrant County Court House. All voted "Aye."**

**ADJOURN:**


22. ADJOURN

**At 10:11 p.m. Mayor Pro Tem Crews moved, seconded by Council Member Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary