

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 28, 2010**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND (OUT OF TOWN)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
OFFICE MANAGER PAULA BAGWELL
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
BUILDING INSPECTOR STEVE SANDERS
CITY ATTORNEY BETSY ELAM
SECRETARY SUSAN STEWART

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 28, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Council Member Crews delivered the Invocation.

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

Council Member Butler 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 REGULAR CITY COUNCIL MEETING SEPTEMBER 14, 2010
- B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 14, 2010
- C. APPROVAL OF RESIGNATION OF DEBBIE REYNOLDS AS A PART TIME EMPLOYEE AT THE COMMUNITY CENTER
- D. APPROVAL OF THE HIRING OF CANDACE HOWARD AS A PART TIME EMPLOYEE AT THE COMMUNITY CENTER

- E. APPROVAL OF THE BUSINESS IMPROVEMENT GRANT APPLICATION OF DIEGO PEDROZA AT 5157-5171 RIVER OAKS BLVD. AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT CORPORATION

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A, B, C, D, and E 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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. MARILYN ACKMANN OF ATMOS ENERGY REQUESTING COUNCIL APPROVAL OF **ORDINANCE # 858-2010** APPROVING ATMOS ENERGY RATE REVIEW MECHANISM EXTENSION

Marilyn Ackman, Atmos Energy, was present to request the council approve an ordinance establishing a rate review mechanism that allows for an annual rate increase to customer's bills from Atmos. The ordinance also allows for an additional rate increase that would be used to replace steel service lines. Ms. Ackman reported a total impact for residential customers of approximately \$1.40 per month and a total impact for commercial customers of approximately \$3.82 per month.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 858-2010 as presented. All voted "Aye."

8. CONSIDER APPROVAL OF THE FINAL AGREEMENT FOR INSTALLATION OF SOLAR PANELS WITH STANDARD RENEWABLE ENERGY

CS Gregory recommended that no action be taken until Staff can obtain additional quotes to repair the portion of the roof where the solar panels would be installed.

CS Gregory announced that since the Oncor rebate was no longer available, the City applied for and received another grant in the amount of \$24,256. CS Gregory added that in order to receive the grant, the project must first be completed, followed by reimbursement. CS Gregory explained that with provisions of this grant, a new agreement would be in excess of \$50,000 and would require competitive bidding. CA Elam stated that if the grant could be directed to the contractor, competitive bidding may not be required.

Council Members directed Staff to obtain three bids to replace the portion of the roof affected by the solar panels.

No action was taken.

9. CONSIDER APPROVAL TO PARTICIPATE IN THE FY 2010/2011 TARRANT REGIONAL TRANSPORTATION COALITION

CS Gregory stated that in the past, the City has not participated in this coalition; however the Mayor's Council and Commissioner Johnson actively support the coalition.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve participation in the FY 2010/2011 Tarrant Regional Transportation Coalition in the amount of \$730 as presented. All voted "Aye."

10. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE FIRE DEPARTMENT DOLLAR DONATION FUND FOR ADDITIONAL COSTS OF LOCKERS

CS Gregory, in the absence of FC Crews, requested to expend dollar donation funds to cover the cost of shipping for the recently purchased lockers that were approved by the City Council.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler to expend funds from the Fire Department Dollar Donation Fund for the additional cost of lockers for the shipping cost as presented. All voted "Aye."

11. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE LIBRARY DOLLAR DONATION FUND IN ORDER TO PURCHASE A BLACK AND WHITE PRINTER

Mayor Earwood stated that the Library is requesting to replace a black and white printer.

Council Member Butler moved, seconded by Council Member Crews, to approve to expend funds from the Library Dollar Donation Fund in order to purchase a black and white printer as presented. All voted "Aye."

12. APPEARANCE OF BRIAN LEVRETS REQUESTING COUNCIL APPROVAL TO HOLD MEETINGS FOR "YOUNG LIFE" AT THE COMMUNITY CENTER

Brian Levrets was present to request the use of the Community Center for Christian youth group weekly meetings at no cost.

Council Members unanimously agreed to adhere to the present Community Center Policy that does not provide for free rentals for church groups and suggested that Mr. Levrets contact the local church alliance or the Lions Club.

No action was taken.

13. CONSIDER APPROVAL OF THE REQUEST BY POLICE CHIEF DAN CHISHOLM FOR THE PURCHASE OF HANDGUNS AND RIFLES BY THE OFFICERS THAT WILL BE PAYROLL DEDUCTED

PC Chisholm requested the opportunity to purchase new weapons at city prices and allow the officers to pay for the weapons in 26 payments during the same fiscal year to be paid in full by the end of the fiscal year. PC Chisholm added that should an officer terminate employment with the City, the weapon must be paid in full. CS Gregory stated that a liability account would be set up for the purchase of the guns and would be reimbursed from payroll deductions.

Council Member Butler moved, seconded by Council Member Crews, to allow officers to purchase weapons through payroll deduction to be paid in full by the end of the fiscal year in 26 payments as presented. All voted "Aye."

14. CONSIDER APPROVAL TO HOLD A CITY WIDE RUMMAGE SALE ON NOVEMBER 13, 2010 AT THE COMMUNITY CENTER

Community Center Directors, Shirley Wheat and Shirley Bloomfield, requested to hold a City-Wide Rummage Sale and Craft Fair at the Community Center on November 13, 2010. Spaces outside of the Community Center would be available for \$25 and would be for used merchandise only. Inside spaces would also be \$25 and would be used for craft vendors selling new merchandise.

Mayor Pro Tem Gordon moved, seconded by Council Member Crews, to approve to hold a citywide rummage sale on November 13, 2010 at the Community Center as presented with a fee of \$25 per space plus a refundable \$10 deposit per space. All voted "Aye."

15. SHIRLEY WHEAT REQUESTING COUNCIL APPROVAL TO CHANGE THE OFFICIAL NAME OF THE COMMUNITY CENTER

Community Center Director Shirley Wheat suggested the name of the Community Center be changed to the River Oaks Event Center.

Council Member Butler moved, seconded by Council Member Crews, to keep the name of the Community Center the same. Council Members Butler, Crews and Minter voted "Aye." Mayor Pro Tem Gordon voted "Nay."

16. SHIRLEY WHEAT IN REFERENCE TO COMMUNITY CENTER RENTAL POLICIES

Community Center Director Shirley Wheat requested clarification regarding rentals at the Community Center, specifically concurrent rentals and the use of the parking lot.

After much discussion, Mayor Earwood requested to be notified of any discrepancies regarding concurrent rentals and he would make a determination until the City Council has the opportunity to revise the policy.

No action was taken.

17. CONSIDER APPROVAL OF THE EMERGENCY PIPE BURSTING OF THE SEWER LINE IN THE REAR OF THE 4500 BLOCK OF OHIO GARDEN RD

CS Gregory stated that the sewer line that services the 4500 block of Ohio Garden has collapsed. There are five services that are affected by the collapse, three in River Oaks and two in Fort Worth. CS Gregory reported the collapse to the City of Fort Worth who has assumed no responsibility in correcting the problem. CS Gregory maintains that the any portion of the sewer line past the city limits is the responsibility of the City of Fort Worth. The City of Fort Worth claims that the main sewer line does not become their responsibility until it terminates into the manhole at Tyra Lane.

CS Gregory stated that due to the safety and health concern of the three River Oaks customers, he is requesting to contract with Hall Albert to pipe burst the main to the manhole on Tyra Lane in the amount of \$33,825 and to allow him to negotiate with the City of Fort Worth.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve the emergency pipe bursting of the sewer line in the rear of the 4500 block of Ohio Garden as presented and to forward any appropriate billing to the City of Fort Worth. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

18. **PUBLIC HEARING:** TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE RE-ADOPTION ON THE OCTOBER 1, 2010 - SEPT. 30, 2011 OPERATING BUDGETS AS PREVIOUSLY ADOPTED UNDER **ORDINANCE 853-2010** ON SEPTEMBER 7, 2010

At 8:31 p.m. Mayor Earwood opened the public hearing.

CS Gregory CS Gregory explained that due to the change in the fiscal budget year, a second public hearing to adopt the budget is required for publication purposes under the Local Government Code.

CS Gregory reviewed recommended changes to the budget from the previously adopted version. In the general fund, a part-time janitorial position has been added in order to maintain the police department facilities during the weekends and evenings. In the water fund, the anticipated sewer rate from Fort Worth is less that proposed. The proposed increase is now 3.68% for residential customers and 3.8% for commercial customers, resulting in a surplus of \$124 instead of the previously proposed surplus of \$373.

CS Gregory requested that the City Council adopt the budget as amended.

At 8:35 p.m. Mayor Earwood closed the public hearing.

19. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 857-2010** AMENDING AND RE-ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve Ordinance No. 857-2010 amending and re-adopting the River Oaks Operating Budgets for the period October 1, 2010 through September 30, 2011 as presented. All voted "Aye."

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

20. CONSIDER APPROVAL OF ORDINANCE # **859-2010** AMENDING THE E.D.C. 2010-2010 FISCAL YEAR BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

CS Gregory presented the recommendation of the EDC to amend the 2010-2010 budget to incorporate the cost of taking down the previous banners at \$574 and to cover the additional cost of the median project in the amount of \$4,918.85 resulting in a total impact to the budget of \$5,492.85.

Council Member Crews moved, seconded by Council Member Butler, to approve Ordinance No. 859-2010 as presented. All voted "Aye."

21. CONSIDER APPROVAL OF ORDINANCE # **860-2010** AMENDING ARTICLE 1.04 "BOARDS AND COMMISSIONS" OF THE RIVER OAKS CODE OF ORDINANCES BY REVISING THE PROCEDURES UNDER DIVISION 4 "STRATEGIC PLANNING COMMITTEE".

Mayor Earwood presented the proposed change to the Strategic Planning Committee from the current six members to eight regular members plus a chairperson. The Mayor, upon advice and consent of the City Council, shall appoint council member-elect as the chairperson and the vice-chairperson.

Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to approve Ordinance No. 860-2010 as discussed. All voted "Aye."

23. CONSIDER APPROVAL OF ORDINANCE # **861-2010** AMENDING SECTION 13.04.013 "SEWER SERVICE RATES" INCREASING SEWER RATES.

CS Gregory explained that an increase to the sewer rate is necessary since the City has absorbed all sewer rate increases from Fort Worth and operational costs for three years without passing the increases along to the customers. CS Gregory presented a proposed sewer rate increase of 3.68% for residential customers and 3.8% for commercial customers that would be effective November 1, 2010.

Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve Ordinance No. 861-2010 as presented. All voted "Aye."

24. CONSIDER APPROVAL OF ORDINANCE # **862-2010** AMENDING THE FY 2010-2010 BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE.

No discussion occurred.

Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance No. 862-2010 as presented. All voted "Aye."

STAFF REPORTS:

25. STAFF REPORT ON SUBSTANDARD PROPERTIES AT:

- 4833 OHIO GARDEN RD. – Inspector Sanders reported that the property would not be in compliance by the expiration date of the permit on October 11, 2010.
- 1129 ST. EDWARDS – Inspector Sanders reported no change.
- 1728 HILLSIDE – Inspector Sanders reported that the foundation repair is complete and there are no active permits on the property. The City Council ordered this property to be repaired by October 11, 2010.

26. REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:

- 5501 BLACK OAK LANE – Inspector Sanders reported an active building permit that expires on November 20, 2010.
- 1467 WESTWICK – Inspector Sanders reported that the structures on this property have been demolished and the owner plans to rebuild on the same lot.
- 4847 RIVER OAKS BLVD. – Inspector Sanders reported an active electrical permit. The owner is cleaning the property of all the fire damage at this time.
- 1229 CHURCHILL – Inspector Sanders reported that this is a HUD property that is under contract. The new property owner will be required to bring the property into compliance.
- 5311 CORNELL – Inspector Sanders reported that this property is under orders from the Building Official and would be presented to Council in October.
- 5512 TAYLOR RD. – Inspector Sanders reported that the accessory building on this property is under orders from the Building Official and would be presented to Council in October.

27. PROPERTIES UNDER INTENT TO SUBSTANDARD:

- 1621 LONG AVE. – Inspector Sanders reported that a thorough substandard inspection is scheduled for September 30, 2010.

28. PROPERTIES RELEASED FROM SUBSTANDARD CONDITION:

- 1201 OXFORD – Inspector Sanders reported that the structures on this property have been demolished.

QUESTIONS RELATED TO STAFF REPORTS INCLUDING:

29. POLICE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED

PC Chisholm announced a Safety Fair on Saturday October 2, 2010 from 10:00 a.m. to 2:00 p.m. at the Community Center.

PC Chisholm announced a new weight loss challenge between the River Oaks Police Department and Sansom Park and Westworth Village Departments.

PC Chisholm announced the annual Chili Cook Off with the Tarrant County District Attorney's office.

No action was taken.

30. FIRE DEPARTMENT MONTHLY ACTIVITY REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

No discussion or action.

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

No discussion or action.

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

No discussion or action.

33. 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 or action.

34. **PUBLIC WORKS MONTHLY 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 or action.

35. **PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

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

No discussion or action.

PUBLIC FORUM:

40. 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**

Anna Sherrill, commended CS Gregory and Office Manager Bagwell for remarkable job performance.

EXECUTIVE SESSION:

41. 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:

42. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

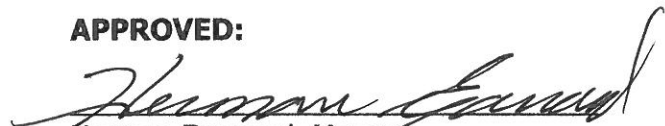
None.

ADJOURN:

43. ADJOURN

At 8:57 p.m. Council Member Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary