

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
OCTOBER 11, 2011**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER JOE CREWS

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF DAN CHISHOLM
FIRE DEPARTMENT CAPTAIN GREG STOCKTON
PUBLIC WORKS DIRECTOR JAMES HATLEY
OFFICE MANAGER PAULA BAGWELL
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, October 11, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Public Works Director Hatley delivered the Invocation.

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

FD Captain Stockton led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

Mayor Earwood read a proclamation declaring November 2011 as Pancreatic Cancer Awareness Month in River Oaks.

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 27, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING SEPT.30, 2011 (2010-11 FY BUDGET)
- C. BILLS PAYABLE FOR PERIOD ENDING OCTOBER 11, 2011
- D. APPROVAL OF E.D.C. RECOMMENDATION TO CONTRACT FOR COMMUNITY CENTER IMPROVEMENTS

CM Butler pointed out that agenda item 21 of the Minutes of the September 27, 2011 Meeting indicated that she made the motion and seconded the motion.

Mayor Pro Tem Gordon requested that consent agenda item D be removed and no action taken on this item.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve consent agenda items A with the noted correction, and B and C 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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION: COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Consent Agenda item D was removed with no discussion and/or action.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF RESOLUTION # 713-2011 PERMITTING A FALL FESTIVAL AT 5613 MEANDERING AS REQUESTED BY CHERYL RICHARDSON OF RIVER OAKS CHRISTIAN CHURCH.

Cheryl Richardson was present to request an outdoor fall festival, including the serving of food, on October 29, 2011 from 1:00 p.m. to 6:00 p.m. at the church. Mayor Pro Tem Gordon stated that the applicant would need to contact the County Health Department since food was to be served at the event. CS Gregory stated that the request also includes the waiver of the fees.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve River Oaks Christian Church to hold a Fall Festival on October 29, 2011 from 1:00 p.m. to 6:00 p.m., to waive any related fees and approve Resolution 713-2011.

Mayor Earwood inquired as to the purpose of the fees. CS Gregory responded that the fee is prescribed in the fee schedule.

All voted "Aye."

Ms. Richardson asked about promotional signage for the event. CS Gregory offered to meet with Ms. Richardson regarding signage.

Ms. Richardson stated that silent auction items are being accepted.

8. CONSIDER APPROVAL OF RESOLUTION # 714-2011 PERMITTING A FALL FESTIVAL AT MCGEE PARK AS REQUESTED BY MICHELLE CASTILLO OF LIVING WATER CHURCH LOCATED 109 S. ROBERTS CUT OFF.

Michelle Castillo was present to request the use of McGee Park for an outdoor fall festival on October 22, 2011 from 3:00 p.m. to 5:00 p.m. Mayor Earwood questioned the reason for the use of McGee Park. Ms. Castillo stated that the church currently

meets with some local youths at McGee Park on Wednesday and the location is easily accessible to those youths that walk to the Park. Mayor Earwood stated that City Ordinance states that the ball fields are for ball use only. Ms. Castillo agreed to use only the green space in between the fields and the concrete basketball slab.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution # 714-2011. All voted "Aye."

9. DISCUSSION AND/OR ACTION ON THE CITY BOUNDARY AMENDMENT AS AUTHORIZED UNDER SECTION 43.031 LOCAL GOVERNMENT CODE.

CS Gregory stated the origination of the this request is due to a jurisdictional issue related a portion of the high school property that is in the City of Fort Worth and a portion of the property in the City of River Oaks. The proposed boundary adjustment would place all of the high school property that is in the City of Fort Worth (less than 1,000 feet) in the City of River Oaks. Staff will present a resolution to the City Council on October 25, 2011 securing the boundary adjustment.

The consensus of the Council Members was to progress with the boundary adjustment as presented.

No action was taken.

10. DISCUSSION AND/OR ACTION ON THE CONSIDERATION FOR JOINT ELECTION SERVICES WITH CASTLEBERRY SCHOOL DISTRICT AND NEIGHBORING CITY ENTITIES.

CS Gregory summarized a joint meeting with local entities for joint election services. None of the other entities have committed at this time. Tarrant County has agreed to conduct the election for May 2012. This item will be presented to the Council with additional information, once available.

No action was taken.

11. CONSIDER APPROVAL OF CITY WEBSITE UPGRADE AND HOSTING PROVIDER MIGRATION AS PRESENTED BY JAROD O'FLARETY OF FLY ROCK MEDIA.

Jarod O'Flarety was present to explain the services offered by Fly Rock Media. Mr. O'Flarety designed the current City website in 2009. City Staff had encountered a problem uploading a file and had contacted Mr. O'Flarety. The current host used by the City is a value priced company that does not offer sufficient customer service. Since the creation of the website, Mr. O'Flarety has expanded his business to include website hosting with consistent updates and live customer service. Staff recommended updating the website and allowing Fly Rock Media to host the website. The change would include nightly backups and security updates. CS Gregory verified that there is sufficient funds budgeted for this request.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the City website upgrade and hosting provider migration as presented by Jarod

O'Flarety of Fly Rock Media and to authorize the Mayor to enter into the agreement as presented. All voted "Aye."

12. CONSIDER APPROVAL TO RENEW CITY'S 2012 ERCOT MEMBERSHIP.

CS Gregory recommended the continuation of this membership that has proven beneficial.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to renew City's 2012 Ercot Membership. All voted "Aye."

13. CONSIDER APPROVAL OF NOMINATIONS TO THE TARRANT APPRAISAL DISTRICT BOARD OF DIRECTORS

No recommendation were made.

No action was taken.

14. CONSIDER APPROVAL FOR THE CITY'S PARTICIPATION IN THIS YEAR'S MAYOR'S COUNCIL CHRISTMAS BANQUET

Mayor Earwood stated that the Mayor's Council Banquet will be held at the Fort Worth Club at a cost of \$60 per plate. Discussion occurred related to the policy manual that does not provide authorization for the City to pay for spouses. It was stated that the City has paid for spouses in the past.

CM Butler moved, seconded by Mayor Pro Tem Gordon, for the City to pay for elected officials and the City Administrator to attend the Mayor's Council Banquet. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

15. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED **SPECIFIC USE PERMIT** IN A "C-2" COMMERCIAL ZONING DISTRICT FOR SUPER SAVE GROCERY LOCATED AT 5116 RIVER OAKS BLVD. IN ORDER TO SELL *ALCOHOLIC BEVERAGES (BEER & WINE)* FOR OFF-PREMISE CONSUMPTION IN ACCORDANCE TO SECTION 23A.G. # 3 OF CITY ZONING ORDINANCE # 883-2011 AS AMENDED. **(ZONING CASE # PZ 2011-15).**

At 7:56 p.m. Mayor Earwood opened the public hearing.

Mayor Earwood explained that the ordinance states that a specific use permit will terminate upon change of ownership, as has happened in this case.

Ashley Anderson, representative for the property owner (HAC), was present with Super Save District Manager Chris Rogers. Ms. Anderson stated that the operations will function with no changes to current process. CS Gregory stated that all paperwork for TABC is in order.

At 7:58 p.m. Mayor Earwood closed the public hearing.

16. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED **SPECIFIC USE PERMIT** IN A "C-2" COMMERCIAL ZONING DISTRICT FOR SUPER SAVE GROCERY LOCATED AT 5116 RIVER OAKS BLVD. IN ORDER TO SELL *ALCOHOLIC BEVERAGES (BEER & WINE)* FOR OFF-PREMISE CONSUMPTION IN ACCORDANCE TO SECTION 23A.G. # 3 OF CITY ZONING ORDINANCE # 883-2011 AS AMENDED. **(ZONING CASE # PZ 2011-15).**

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the Specific Use Permit in a "C-2" Commercial Zoning District for Super Save Grocery in order to sell alcoholic beverages (beer and wine) for off-premise consumption. All voted "Aye."

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

17. CONSIDER APPROVAL OF **RESOLUTION NO. 715-2011** ESTABLISHING THE RENTAL POLICIES AND PROCEDURES FOR THE COMMUNITY CENTER.

Mayor Pro Tem Gordon summarized the recommended changes to the Community Rental Policies and Procedures. The recommendation includes two separate rental policies and applications, one for City Staff and one for non-City Staff. In addition, the policy further defines civic and church group procedures.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Resolution # 715-2011 establishing the rental policies and procedures for the Community Center. All voted "Aye."

18. CONSIDER APPROVAL OF **RESOLUTION NO. 716-2011** WAIVING PERMIT FEES FOR WORK PERFORMED UNDER THE NEIGHBORS HELPING NEIGHBORS PROGRAM.

Mayor Earwood stated that other non-profit groups had recently been approved for permit fee waivers.

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution # 716-2011 waiving permit fees for Neighbors Helping Neighbors. All voted "Aye."

19. CONSIDER APPROVAL OF **RESOLUTION NO. 717-2011** APPOINTING JAMES MYRICK AS THE EMERGENCY MANAGEMENT COORDINATOR TO CONDUCT THE EMERGENCY MANAGEMENT PROGRAM FOR THIS JURISDICTION.

Mayor Earwood stated that with the retirement of FC Bill Crews, the City would benefit from the appointment of another Emergency Management Coordinator. Mayor Earwood recommended James Myrick for the position and for the City to fund the proper training.

CM Butler suggested that this agenda item be postponed due to the absence of CM Holland and CM Crews.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve Resolution 717-2011. All voted "Aye."

20. CONSIDER APPROVAL OF **ORDINANCE NO. 905-2011** AMENDING APPENDIX A, ARTICLE A.02, "SCHEDULE OF FEES AND CHARGES", SPECIFICALLY UNDER SECTION A.02.001(K)(18)(D) "WATER WELLS" OF THE CODE OF ORDINANCES BY REVISING THE PERMIT FEES FOR PRIVATE WATER WELLS TO INCLUDE THE COST OF REGISTERING THE WELL AND BY ESTABLISHING A SEPARATE REGISTRATION FEE FOR EXISTING PRIVATE WELLS NOT PREVIOUSLY REQUIRED TO BE PERMITTED IN SECTION A.02.001(K)(18)(E) "PRE-EXISTING PRIVATE WATER WELL REGISTRATION"

CS Gregory stated that the City has recently had metal signs made to indicate properties that have wells. The proposed registration fee is designed to cover the cost of the sign.

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance # 905-2011. All voted "Aye."

PUBLIC FORUM:

21. 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**

FD Captain Stockton stated that the system used to generate the Fire Department monthly reports should be functioning correctly by the end of the month.

FD Captain Stockton stated that the Fire Department has filled all officer places.

FD Captain Stockton mentioned a merger with Westworth Village Fire Department and stated that a letter from both fire chiefs would be presented to the respective City Council Members in the near future.

Mayor Pro Tem Gordon complimented City Staff, and Fire and Police employees for efforts shown during the recent storm.

Mayor Earwood also complimented those that assisted during the recent storms.

EXECUTIVE SESSION:

22. 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:

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

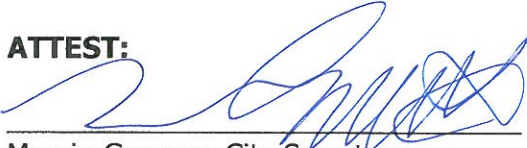
24. ADJOURN

At 8:28 p.m. Mayor Pro Tem Gordon moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary