

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 26, 2014**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
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
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
ATTORNEY BETSY ELAM

MEMBERS ABSENT:

MAYOR PRO TEM STEVE HOLLAND

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, August 26, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

PWD Hatley led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS 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. **COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.**

- A. MINUTES OF AUGUST 12, 2014 COUNCIL MEETING
- B. MINUTES OF AUGUST 18, 2014 COMMUNITY FORUM
- C. MINUTES OF AUGUST 19, 2014 SPECIAL COUNCIL MEETING
- D. BILLS PAYABLE FOR PERIOD ENDING AUGUST 26, 2014 (FY 2014)

CM Gordon moved, seconded by CM Ashton, to approve consent agenda items A, B, C, and D. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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. DISCUSSION AND/OR ACTION REGARDING COMPLAINT BY REBA MARIE HROMCIK AT 5516 DARTMOUTH ON EXCESSIVE SEWER AND GARBAGE BILLS FOR SINGLE USERS.

Reba Marie Hromcik stated she just moved here and her water bills are a lot higher. **Councilmember Gordon** responded that the sewer is high because of the contract with Fort Worth for treatment. Ms. Hromcik stated she is paying \$37.60 on her sewer with only her living there.

CS Gregory stated that the sewer rate is based on the minimum of 10, 500 gallons that Fort Worth charges per house and the minimum bill is \$29.20. Ms. Hromcik stated she had received a bill delivered to her by mistake that was for only \$20.00 and wondered how that could happen if the minimum is \$29.20. **Mayor Earwood** stated staff would investigate it once she gave them a copy of that bill.

CM Scott made the motion to reduce her current sewer bill to the minimum rate of \$29.20. Motion died for lack of a second. **Motion denied.**

8. CONSIDER APPROVAL OF REQUEST FROM CISD TO INSTALL TRAFFIC CONTROL SIGNS IN THE PUBLIC RIGHT-OF-WAY ON SHEAR DRIVE TO WARN ON-COMING TRAFFIC NOT TO PASS THE SCHOOL BUSES WHEN THE STOP SIGN AND FLASHERS ARE ON.

Chief Carter reported that the signs are already up and they were purchased by CISD.

CM Ashton moved, seconded by CM Gordon, to approve the request from CISD to install traffic control signs in the public right-of-way to not pass the school buses when flashers are on. All voted "Aye."

9. CONSIDER APPROVAL TO PURCHASE THE JUSTIFIED AUTOMATED COLLECTIONS KIOSK FOR COURT/UTILITY PAYMENTS EXPENDED FROM COURT TECHNOLOGY FUNDS SUPPORTED BY **ORDINANCE 1034-2014.**

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

10. DISCUSSION AND/OR ACTION REGARDING REQUEST BY GREG MILLER TO COSIDER REDUCED WATER RATE FOR PACKAGE WATER AND ICE VENDORS.

Mr. Miller reported that their ice machine located at 4817 River Oaks Blvd. was a lot higher than what he pays in Fort Worth. **CS Gregory** stated he had researched the bills and in comparison River Oaks was higher than Fort Worth, but his usage was a lot higher than he has in Fort Worth. Mr. Miller stated he has to install an additional backwash system due to the water clarity in River

Oaks and requests the city consider adjusting their rate. The council felt it was not justified to make a special rate for one business.

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

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

11. **PUBLIC HEARING:** SECOND PUBLIC HEARING ON 2014 TAX RATE PROPOSAL OF \$0.850351/\$100 OF PROPERTY VALUE.

Mayor opened the public hearing at 7:38 p.m.; without any comments from the public, the public hearing was closed at 7:39 p.m.

12. **ACTION FROM PUBLIC HEARING:** SCHEDULE THE DATE TO VOTE ON THE 2014 TAX RATE

Mayor announced that the city council would vote on the proposed tax rate of \$0.850351 per \$100 of property value at the September 9, 2014 meeting.

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF **RESOLUTION # 806-2014** AUTHORIZING THE COMMUNITY CENTER CO-DIRECTORS TO MAKE APPLICATION FOR A GRANT FOR BUILDING IMPROVEMENTS TO THE COMMUNITY CENTER.

Linda Claridge stated that the Jam Sessions have been a big success but the Community Center is needful of tables, chairs, microphones and with the attendance they need to enlarge the dance floor. She requested that the **community center co-directors** be given the approval to make application for a grant from the Amon G. Carter Foundation for the purchase of tables, chairs, microphones and to enlarge the dance floor. **CS Gordon** stated that Linda had drafted a very good letter. **Linda Claridge** said her grandson had edited it.

CM Gordon moved, seconded by CM Ashton, to approve Resolution 806-2014 authorizing the Co-Directors to make application for a grant from the Amon G. Carter Foundation. All voted "Aye."

14. CONSIDER APPROVAL OF **RESOLUTION # 807-2014** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2014-2015 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

CM Gordon moved, seconded by CM Butler, to approve Resolution 807-2014 authorizing economic development corporation expenditures from the 2014-2015 FY Budget for projects more than \$10,000. All voted "Aye".

15. CONSIDER APPROVAL OF **ORDINANCE # 1037-2014** AMENDING ORDINANCE 1035-2014 AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" OF

THE RIVER OAKS CODE OF ORDINANCES REVISING THE MINIMUM ACCOUNT BALANCE AND PROVIDING PROVISIONS REGARDING RECONNECTION OF WATER SERVICES DISCONNECTED FOR NON-PAYMENT AND REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF.

CM Ashton filed a conflict of interest and therefore abstained from participating in the discussion and/or action regarding this agenda item.

CS Gregory reported that in consultation with city staff, they had researched the water accounts and they found there would be accounts that could end up being less than \$5 and felt as a courtesy that those accounts should not be disconnected.

CM Gordon moved, seconded by CM Scott, to approve Ordinance # 1037-2014 as submitted. All voted "Aye".

16. CONSIDER APPROVAL OF **ORDINANCE # 1038-2014** AMENDING THE FY 2013-2014 OPERATIONAL BUDGET IN ORDER TO OFFSET THE EXPENDITURE OF COMMUNITY CENTER DOLLAR FUNDS APPROVED AT THE JUNE 24, 2014 COUNCIL MEETING FOR THE VETERAN'S DAY DANCE.

CM Ashton moved, seconded by CM Gordon, to approve Ordinance # 1038-2014 amending the FY 2013-2014 operational budget to offset the expenditures of community center dollar donations for the Veteran's Day Dance. All voted "Aye."

17. CONSIDER APPROVAL OF **ORDINANCE # 1039-2014** AMENDING THE FY 2013-2014 OPERATIONAL BUDGET IN ORDER TO OFFSET THE EXPENDITURE OF COURT SECURITY FUNDS.

Chief Carter is requesting funds to be expended from court security for the warrant officer's car tinting.

CM Gordon moved, seconded by CM Butler, to approve Ordinance # 1039-2014 amending the FY 2013-2014 operational budget to offset the expenditures of court technology funds. All voted "Aye."

18. AMENDING THE FY 2013-2014 OPERATIONAL BUDGET IN ORDER TO OFFSET THE EXPENDITURE OF COMMUNITY CENTER DOLLAR FUNDS APPROVED AT THE JUNE 24, 2014 COUNCIL MEETING FOR THE VETERAN'S DAY DANCE.

Improperly posted. No action was taken.

19. STAFF REPORT ON SUBSTANDARD PROPERTIES:

- 604 FRONTIER – This property is vacant and secured. Civil penalties continue to accrue. No contact.
- 933 CARONDOLET – This property is vacant and secure. Civil penalties continue to accrue. There is reported there is a potential buyer.

- 1167 GREENBRIER – This property is vacant. Council order expires 8/25/2014. Substandard fee was waived by Council. Plan of action has been accepted. The electrical permit is approved and completed.
- 5008 SHERWOOD – This property is vacant. Council order expires 7/24/2014. Bank of America has notified staff that loan has transferred to Bayview Loan Servicing.
- 5516 N. SCHILDER – This property has active electrical, plumbing, and building permits - pending weekly progress checks. Owner is complying with progress checks and abatement of code violations.
- 5100 ALMENA RD. – Conditional Certificate of Occupancy approved for 30-days.
- 1709 LONG AVE. – This is a vacant property that is on hold.
- 1202 BANKS – Code violations have been abated. On hold.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

20. **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 stated that officers are busy and tickets are up. He also talked about his meeting with Westworth Village about ticket writers.

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

None.

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

None.

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

None.

24. **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.

25. **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.

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

None.

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

None.

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

None.

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

None.

30. **MARKETING ACTIVITIES REPORT FROM MUNDO AND ASSOCIATES** INCLUDING BUSINESS RETENTION AND EXPANSION, MARKETING FOR NEW DEVELOPMENT, SHOP RIVER OAKS TEXAS, FACEBOOK AND TWITTER ACCOUNTS.

None.

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

None.

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

None.

PUBLIC FORUM:

33. 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.**

Citizen Kirby Benner questioned tax rate values and the proposed budget. **CS Gregory** told him a copy of the proposed budget is currently on line at www.riveroakstx.com

CM Ashton gave an update on the police department performing a good Samaritan act for him when he found he was locked out of his house.

Mayor Earwood reported that the city would not be doing the bon-fire this year at the homecoming parade due to the drought.

EXECUTIVE SESSION:

34. 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:

- Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- 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.
- Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

35. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

36. ADJOURN

At 8:26 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

**COUNCIL MEMBER AFFIDAVIT OF ABSTENTION FROM PARTICIPATION AND VOTING
DUE TO CONFLICT OF INTEREST**

Date: August 26, 2014

I, Joe Ashton, do hereby affirm that I may have a conflict of interest pursuant to
(Member Name)

Section 171.004 of the Texas Local Government Code regarding action of the council to be considered regarding Agenda Item # 15 on the August 26, 2014 City Council Agenda as follows:

15. CONSIDER APPROVAL OF **ORDINANCE # 1037-2014** AMENDING ORDINANCE 1035-2014 AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" OF THE RIVER OAKS CODE OF ORDINANCES REVISING THE MINIMUM ACCOUNT BALANCE AND PROVIDING PROVISIONS REGARDING RECONNECTION OF WATER SERVICES DISCONNECTED FOR NON-PAYMENT AND REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF.

BY: Joe Ashton
(Name of Council/Board Member)

Place 4 City Council Member


(Signature of Council/Board Member)

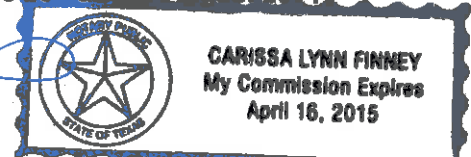
DATE: 8/26/14

TIME: 4:47 p.m.

NOTARY SEAL:

Notarized the above signature of Joe Ashton this the 26th day of August 2014
(Council/Board Member)


Notary Signature



FILED WITH THE CITY SECRETARY ON THIS 26th DAY OF AUGUST 2014 AT 7 P.M.


River Oaks City Secretary

