

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 10, 2012**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF RON SHORT
PUBLIC WORKS DIRECTOR JAMES HATLEY
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
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 10, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Crews delivered the Invocation.

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

CM Holland led the pledges of allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) BY MAYOR:

- PROCLAIMING APRIL AS RIVER OAKS 25TH ANNUAL CLEAN UP MONTH IN MEMORY OF KATHERINE WILSON

Mayor Earwood read a proclamation dedicating the City of River Oaks Clean Up Day on April 28th 2012 in the memory of Katherine Wilson. Mayor Earwood suggested that the annual clean-up day be dedicated to Katherine Wilson every year hereafter.

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 COUNCIL MEETING MARCH 28, 2012
- B. MINUTES OF SPECIAL CALLED MEETING APRIL 3, 2012
- C. BILLS PAYABLE FOR PERIOD ENDING APRIL 10, 2012
- D. APPROVE MAYOR'S RECOMMENDATION FOR HIRING OF CELINA MORENO FOR ADMINISTRATIVE CLERK

- E. APPROVE MAYOR'S RECOMMENDATION FOR TERMINATION OF A PUBLIC WORKS HEAVY EQUIPMENT OPERATOR
- F. APPROVAL OF DISBURSEMENT OF E.D.C. FUNDS FOR THE B.I.G. IMPROVEMENT GRANT AT 5177 RIVER OAKS BLVD. FOR PRINT & SIGN DESIGN.

Mayor Pro Tem Gordon requested that agenda item F be removed from the consent agenda. As a result of the EDC Meeting on April 9, 2012, the EDC is not prepared to recommend disbursement of funds.

Mayor Pro Tem Gordon moved, seconded by CM Butler, 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

Agenda item F was removed from the consent agenda.

No action was taken on agenda item F.

7. PRESENTATION OF THE PLANNING FOR LIVABLE MILITARY COMMUNITIES UNDER THE HUD COMMUNITY CHALLENGE GRANT AS PRESENTED BY N.C.T.C.O.G.

Elizabeth Whitaker, representative for N.C.T.C.O.G., presented a slide show that outlined the history of the HUD Community Challenge Grant and a description of the grant activities and goals.

No action was taken.

8. DISCUSSION AND/OR ACTION ON THE H.O.M.E. PROGRAM AS PRESENTED BY THE TARRANT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

Brian Cramer, representative for the Tarrant County Community Development Department, was present to describe the guidelines of the H.O.M.E. program. The program requires a 30% match commitment from the City. The match may be accomplished through donations, materials, and volunteer hours.

It was suggested that staff coordinate a meeting between Mr. Cramer and Ron Tovar for possible collaborative efforts in rehabilitation in River Oaks.

Mr. Cramer offered a Resolution that the City could adopt in order to commit to participation in the program.

No action was taken.

9. CONSIDER ACTION REGARDING COMPLAINT FILED BY BOBBIE MORALES AGAINST LIBRARY POLICIES AND CONDUCT

Bobbie Morales, a Sansom Park resident, presented her concerns with the library policy. Ms. Morales read the mission statement that is found on the River Oaks Library website. Ms. Morales stated that she was declined a library card because the address on her identification card does not reflect her Sansom Park address. She relayed her discontent that the City of White Settlement only requires one form of proof of residency. Ms. Morales relayed her conversation with others at Joy James, stating that she was told, "We don't go to that library."

Mayor Earwood stated that the library policy requires a Sansom Park resident to have a child in Castleberry School District since they do not live in this community. Mayor Earwood stated that Staff was following the library policy that was put in place by the City Council when denying Ms. Morales' request. Mayor Earwood added that 30-days are allowed to change the address on an id card after a move or citations may be issued. Mayor Earwood stated his recommendation to amend the library policy, allowing only citizens of River Oaks access to the library.

Mayor Pro Tem Gordon stated that the mission statement on the website relates to River Oaks Citizens. Mayor Pro Tem Gordon explained that if a Sansom Park resident loses a book, River Oaks citizens tax dollars must be used to replace it. Mayor Pro Tem Gordon stated that River Oaks Police Officers make personal contact with residents of River Oaks to retrieve un-returned library materials. Mayor Pro Tem Gordon stated that careful consideration was given when establishing the library policy rules.

Ms. Morales expressed her discontent with the implication that she is not trusted.

CM Crews stated that the rules were followed and he noted that Ms. Morales had also expressed displeasure with her reception at the library. Ms. Morales stated that if library personal had been nicer, she might not have become so upset.

Mary Earwood, Library Director, quoted that approximately \$4,615 has been lost over the past few years due to Sansom Park residents.

CM Holland stated that River Oaks residents only need to show ID to obtain a library card. An unidentified female stated that a water bill is also required of River Oaks residents. Mayor Earwood added that this provision is to verify residency and that if the water is in the name of the landlord, a lease is required to prove residency. CM Holland questioned the need for a water bill. Ms. Earwood explained that many people have relocated and still attempt to use the River Oaks Library.

An unidentified female asked about computer availability. Ms. Earwood stated that once a person signs that they understand the procedures and present a valid id, anyone may use the computers.

An unidentified female stated that she had lived in River Oaks for nine years in a home purchased by her and her children. Each person has a utility bill in his or her name.

She asked how this would apply to her situation. Ms. Earwood explained that the person with the water bill in their name would obtain a household library card that could be used by anyone in the household. Mayor Earwood suggested that a list of authorized users be added to a household account to prevent unauthorized use.

An unidentified female asked what other forms of residency are accepted such as an electric bill or a gas bill. Mayor Earwood stated that the water bill is used since this utility is provided by the City and can easily be verified.

No action was taken.

10. CONSIDER APPROVAL TO WAIVE LIENS ON PROPERTY AS REQUESTED BY HUONG TRANG

[Mayor Pro Tem Gordon left the dais, having filed a conflict of interest form with the City Secretary.]

Huong Trang, property owner of 1804 Inspiration, stated that he is attempting to sell this property and two liens were noticed. Mr. Trang stated that each time he receives a letter from the City to maintain his property, he complies.

Secretary Stewart stated that in the file, Republic Title had requested a pay-off for these liens in 2008 but the City never received payment. Stewart added that although Tarrant Appraisal District shows Mr. Trang as the owner as of 2008, he received the property through inheritance or other means than an actual purchase. Mr. Trang stated that he has owned the property for approximately ten years. Mr. Trang stated that he had purchased the property with a partner, who later transferred the property solely to Mr. Trang.

CM Holland asked Mr. Trang if he understands the process of the City mowing property and placing a lien for work completed. Mr. Trang stated the he has not seen the notice to mow the property. Mayor Earwood stated that the Homeowner's Association to which Mr. Trang is a member requires property maintenance also and therefore Mr. Trang is aware of his responsibility to maintain his property. CA Elam added that it is assumed that proper notification was sent since it is stated on the liens that were filed with Tarrant County.

CM Holland moved, seconded by CM Crews, to deny the request to waive the liens. All voted "Aye."

[Mayor Pro Tem Gordon returned to the dais.]

11. DISCUSSION AND/OR ACTION ON UTILITY BILLING FOR MULTIPLE UNITS AS PROVIDED FOR IN THE CODE OF ORDINANCES IN SECTIONS 13.02.111, 13.03.014 AND 13.04.014.

Sandra Ward, property owner at 5501 Baylor, was present. Ms. Ward stated that she has resolved the ownership issue that was mentioned at the Zoning Board of

Adjustments Meeting and this could be verified on Tarrant Appraisal District's website. Ms. Ward stated that when she purchased the property, the City Inspector informed her that she could not separate the utilities, nor rent the units on this property separately. Assuming that the inspector was correct, Ms. Ward stated that she has strictly followed this instruction and has rented the property as single family. Ms. Ward explained her concern that this property is billed for water, sewer and garbage for two units and this causes her to lose good tenants.

CM Holland summarized a request of Ms. Ward that was presented to the Zoning Board of Adjustments. The legal non-conforming use that formerly allowed the two units on this property to be rented separately had ceased since Ms. Ward had only rented the property as single family. Ms. Ward withdrew her request before the ZBA since she could not receive a favorable outcome. CM Holland stated the second request of Ms. Ward was for the double billing to be reduced to one since she is only allowed to rent to one family.

CS Gregory referred to a letter that was composed by staff and will be sent to all of the property owners (approximately 24) that have multiple units in single-family zoning districts. CS Gregory stated a concern that each property must be inspected to verify single-family occupancy.

CS Gregory stated that the Zoning Ordinance and the Utility Policy are inconsistent on this subject. It was suggested that each case be presented to the City Council. CA Elam suggested that the Council establish a policy with criteria that could be followed by City Staff.

Mayor Pro Tem Gordon requested that Ms. Ward inform her tenants at this property of the ordinance that prohibits yard parking.

CM Holland moved, seconded by CM Crews, to direct staff to proceed to research lots with 2 living units and make the necessary adjustments to present to the City Council for consideration at the next meeting. All voted "Aye."

Mayor Earwood stated that properties with 2 living units should be considered as multi-family.

12. DISCUSSION AND/OR ACTION ON REVISING THE PROCEDURE FOR WINTER QUARTERLY AVERAGING FOR NEW RESIDENTIAL SEWER CUSTOMERS PURSUANT TO SECTION 13.04.013 "SEWER SERVICE RATES" OF THE RIVER OAKS CODE

CS Gregory explained that the current ordinances states that new customers may be charged at sewer rate to exceed 1500 cubic feet, which is the highest rate at \$47 per month, until winter averaging. The current practice is to set up all new accounts at this maximum rate since the City of Fort Worth charges the City of River Oaks for 1404 cubic feet a month regardless of usage. CM Holland recommended using the mode, or middle, amount for new customers. It was mentioned that an ordinance amendment is not necessary due to the wording of the current ordinance.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to set the effective sewer rate at 600-699 cubic feet of usage for new customers until winter averaging. All voted "Aye."

13. CONSIDER APPROVAL TO AMEND THE AUGUST 9, 2011 SUBSTANDARD BUILDING ORDER ON SUBSTANDARD PROPERTY LOCATED AT 5314 ½ AMHERST

CM Crews stated that this accessory building is vacant and has been substandard over a year.

Nancy Vargas, property owner at 5314 Amherst, stated that she had become unemployed last year and had some legal issues that exhausted her funds. Ms. Vargas stated her intention is to complete the repairs so that her sons could live in the structure upon release from incarceration.

CM Crews noted that the windows had been replaced. Mayor Pro Tem Gordon added that the some siding had been replaced. Mayor Earwood stated that in previous similar cases, the Council Order to demolish has been carried out. It was noted that the Council Order is for the accessory structures and the owner occupies the main structure. It was discussed that the plumbing violations would be costly to repair. CA Elam quoted the City Council Order, stating that if the owner does not comply and further find that if the buildings are not repaired within that time (180-days) that there is no reasonable probability that the buildings will repaired within a reasonable period of time if additional time is given.

Mayor Pro Tem Gordon moved, seconded by CM Crews, to deny the extension request and proceed with the Council Order from August 9, 2011.

CM Crews mentioned that the demolition might cause additional financial burden on the owner. CS Gregory stated that if the owner does not demolish the structures, the City would perform the demolition and lien the property for the costs.

All voted "Aye."

14. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER EVENTS AS FOLLOWS:

i. CONTRACTING WITH ANDY & HEART ACTING CLASSES IF THEY DECIDE TO COME TO RIVER OAKS.

The Community Center Directors presented the request of Andy and Heart Rivera to conduct acting classes for all ages beginning in September 2012. Council Members requested that the applicant appear before the City Council prior to a decision. Mayor Pro Tem Gordon inquired about "keeping children safe" programs and background checks as a requirement due to the increase in activities involving children. CM Butler stated that the school district obtains background checks through fingerprinting.

ii. CASTLEBERRY JAZZ BAND PERFORMANCE----APRIL 28 – 2 TO 4PM

Community Center Directors presented the request of the Castleberry Jazz Band to hold a performance at the Community Center on April 28, 2012 from 2-4 p.m. Mayor Earwood suggested that the monitor fee be paid plus utilities. Shirley Bloomfield mentioned an 80/20 split as payment. It was decided that the least expensive option be charged for this event.

IV. JULY S.A.T. CLASS JULY 9 & 11- 9AM TO 2:30PM

Community Center Directors presented the request of Laurie Hicks to conduct SAT assistance on July 9 and July 11, 2012. Council Members supported this project.

iii. ORGANIZING DANCE CAMP R.O.C.C. FOR THE SUMMER TO START WHEN SCHOOL IS OUT.

Christina Brown was present to request beginning a 10-week day camp program for children in grades K-8 during the summer months at the Community Center. The suggested cost would be \$22.75 per child, per week. The free lunch program was mentioned, but it was decided that sack lunches brought from home would be a better option. CM Crews noted that excessive wear and tear could occur at the Community Center if the facility is used daily by 50 children. CM Crews mentioned a concern that the citizens of River Oaks could be liable to entertain children from other areas with this program. CM Holland asked if this program would interfere with the current programs. Community Center Directors named several locations in the building that could be used for this program. Ms. Brown stated that background checks would be performed on all volunteers. Ms. Brown stated that the total cost of field trips would be \$86 for the entire program. Nancy Crews asked about state licensing for childcare. Ms. Brown stated that if food is not provided and the program is not advertised as a day care that state licensing does not apply. Ms. Brown stated that a liability release would be required for each child. Mayor Earwood stated that the money should be collected by the Community Center and paid to Ms. Brown, which is the current procedure with other programs. Council Members directed Staff to work with Ms. Brown to for project details.

IV. JULY S.A.T. CLASS JULY 9 & 11- 9AM TO 2:30PM

Discussed prior to item iii.

No formal action was taken.

15. CONSIDER APPROVAL OF RECOMMENDATION FROM THE FIRE MERGER COMMITTEE

This agenda item was discussed after agenda item # 18.

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

16. CONSIDER APPROVAL OF **ORDINANCE # 921-2012** AMENDING ARTICLE 1.06 "PARKS AND RECREATION" OF CHAPTER I "GENERAL PROVISIONS" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; INCORPORATING PROHIBITION OF PETS IN DESIGNATED AREAS AND PROVIDING REGULATIONS FOR PET WASTE MANAGEMENT IN AND ON PARK PROPERTY

CS Gregory explained that this revised ordinance is structured around pet management. CM Crews suggested that the City provide collection materials for pet waste. The proposed ordinance would prohibit pets in the fenced areas at the ball fields and the skate park.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 921-2012. All voted "Aye."

17. CONSIDER APPROVAL OF **RESOLUTION # 724-2012** AMENDING RESOLUTION NUMBER 722-2012 CALLING THE MAY 12, 2012 GENERAL ELECTION; REVISING SECTION 4a "EARLY VOTING BY **PERSONAL APPEARANCE**" TO **INCLUDE EARLY VOTING SITES ADDED DUE TO JOINT ELECTIONS WITH** OTHER POLITICAL SUBDIVISIONS; AMENDING THE ELECTION ORDER AND PROVIDING FOR A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE

No discussion occurred.

Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve Resolution # 724-2012. All voted "Aye."

17. CONSIDERANDO LA APROBACION DE LA **RESOLUCION # 724-2012** MODIFICANDO LA RESOLUCION NUMERO 722-2012 INVOCANDO A UNA ELECCION GENERAL PARA EL 12 DE MAYO DEL 2012; REVISANDO LA 4a SECCION "VOTACION ADELANTADA EN PERSONA" PARA INCLUIR SITIOS DE VOTACION ADELANTADA AGREGADOS DEBIDO A LAS ELECCIONES CONJUNTAS CON OTRAS SUBDIVISIONES POLITICAS; MODIFICANDO LA ORDEN DE ELECCION Y ESTABLECIENDO UNA CLAUSULA DE DEROGACION Y PROPORCIONANDO UNA FECHA EFECTIVA

No hubo discusión.

Mayor Pro Tem Gordon se ha movido, secundado por CM Minter, para aprobar la Resolución #724-2012. Todos votaron "Afirmativo"

18. CONSIDER APPROVAL OF **RESOLUTION # 725-2012** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2011-2012 FISCAL YEAR BUDGET FOR PROJECT RELATED TO BUSINESS ENTERPRISE THAT CREATES OR RETAIN JOBS WITH QUIK TRIP CORPORATION AS QUALIFIED FOR A PROJECT MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

CM Butler moved, seconded by Mayor Pro Tem Gordon, to approve Resolution # 725-2012. All voted "Aye."

CA Elam stated that her office would meet with representatives from Quik Trip to negotiate the benchmarks that must be met in order to receive the funds. The final agreement would be presented to the EDC and the City Council for approval. CM Holland requested that the agreement specify that only one payment would be issued per fiscal year.

15. CONSIDER APPROVAL OF RECOMMENDATION FROM THE FIRE MERGER COMMITTEE

Mayor Pro Tem Gordon stated that the committee had met on April 9, 2012 and is preparing a recommendation for the City Council to be presented at the next regular meeting on April 24, 2012.

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**

CM Butler gave a reminder that tickets are available for the CCDAC Fundraiser on April 12, 2012 at the Community Center.

Nancy Crews stated that Quik Trip had donated two \$100 gas cards for the CCDAC Fundraiser.

PC Carter endorsed a patrol officer on bicycle that has been writing citations and made one arrest.

PC Carter summarized some command changes with Stewart going to CID, Rios will be the daytime sergeant, Mosley will be the evening sergeant, and Perkins will be the midnight sergeant.

PC Carter announced that two new officers have been hired. Once training is complete a third CID officer will be chosen.

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. **Duties, and salary compensation of Police Chief, Deputy Police Chief, CID Sergeant, Police Administration and other Police Department Personnel.**
- d. Section 551.076 Deliberation regarding security devices

None called for.

RECONVENE:

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

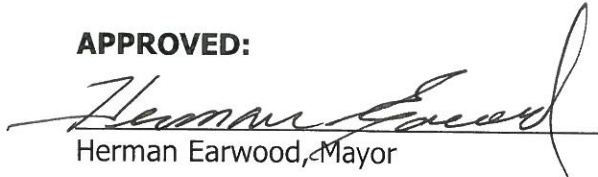
No action was taken.

ADJOURN:

22. ADJOURN

At 9:41 p.m. CM Holland moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary