

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
NOVEMBER 8, 2011**

**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 DAN CHISHOLM  
FIRE CHIEF RON SHORT  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
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, November 8, 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**

FC Short 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 COUNCIL MEETING OCTOBER 25, 2011
- B. BILLS PAYABLE FOR PERIOD ENDING SEPT. 30, 2011 (FY 2011 BUDGET)
- C. BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 8, 2011 (FY 2012 BUDGET)
- D. APPROVAL OF E.D.C. RECOMMENDATION OF COMMUNITY CENTER IMPROVEMENT PROJECTS IN THE FY 2012 BUDGET.
- E. APPROVAL OF THE RESIGNATION OF LORI WATSON AS THE ALTERNATE # 3 MEMBER OF THE ZONING BOARD OF ADJUSTMENTS

F. APPROVAL OF RESIGNATION OF DISPATCHER MARTIN 540

Council Member Holland requested that consent agenda item A be removed. Mayor Pro Tem Gordon requested to update the Council on consent agenda item D.

Council Member Holland requested that the wording be revised that references action taken after executive session for agenda item # 7 of the Minutes of the Regular Council Meeting on October 25, 2011. This item was moved to allow time for a representative to arrive but was not discussed in executive session.

Mayor Pro Tem Gordon gave an update on the fence and landscaping projects at the Community Center. The projects are near completion with only a few minor details remaining. The fence will be wrought iron with 12 stone columns on the west and south sides of the property. The landscaping is proposed to consist of rocks and boulders on both sides and the at the back of the Community Center.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve consent agenda items A with the noted correction, and items 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.

Consent agenda item A was requested to be removed but was corrected and approved above.

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

7. CONSIDER APPROVAL OF REQUEST FROM CASTLEBERRY SCHOOL DISTRICT FOR RENTAL OF COMMUNITY CITY FOR CISD THANKSGIVING LUNCHEON ON NOVEMBER 17, 2011 AND FOR CITY TO WAIVE RENTAL FEES.

Mayor Earwood stated that the school district and the City have been working together in many instances, including facility rentals. Secretary Stewart verified that the Community Center is holding the requested time, pending Council approval.

**CM Butler moved, seconded by CM Holland, to approve the rental of the Community Center for Castleberry ISD Thanksgiving Luncheon on November 17, 2011 and to waive the rental fees. All voted "Aye."**

8. CONSIDER APPROVAL OF REQUEST OF BONNIE TUCK TO WAIVE 6-MONTH LIBRARY CARD HISTORY IN ORDER TO RENEW MEMBERSHIP.

A representative was not present.

Mayor Pro Tem Gordon summarized the request of Bonnie Tuck to waive the requirement stating that a resident must have a valid library card in good standing for six months in order to obtain a Tex-Share card. The patron has had a library card that has not been used since 2007. The policy does not define good standing. In this case, Library Staff could not verify that the account is in good standing and did not issue the Tex-Share card. It was mentioned that the utility account could be used to verify account responsibility. CA Elam stated that the policy should state that condition. It was decided that Mayor Pro Tem Gordon would work with ~~Library Staff~~ CS Gregory to revise the policy and bring back to Council at the next meeting.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to not waive the 6-month library card history requirement. All voted "Aye."**

9. CONSIDER APPROVAL TO WAIVE ZONING FEES APPLICABLE TO THE FINAL PLAT APPLICATION FROM Cisd CONTINGENT TO THE BOUNDARY ADJUSTMENT BETWEEN FORT WORTH AND RIVER OAKS.

CS Gregory stated that the boundary adjustment agreement with the City of Fort Worth is now complete. The next step is to hold public hearings for a final plat approval. The school district has agreed to pay the survey costs and recording fees. CS Gregory requested a waiver for the zoning fees since the only cost incurred by the City would be the cost to send out letters and the cost of publication.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, waive the zoning fees applicable to the final plat application from Castleberry ISD. All voted "Aye."**

10. CONSIDER APPROVAL OF MUNICIPAL PEG ACCESS FEE PURSUANT TO SB 1087 THAT ALLOWS CHARTER COMMUNICATIONS TO TRANSFER THE CITY'S MUNICIPAL FRANCHISE TO A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA).

CS Gregory explained a new state statute that allows the City to receive a 1% access fee from each charter account in River Oaks. A separate account for the revenues would be necessary. The revenues must be spent only on the PEG channel. Staff recommended not collecting this fee from residents at this time. CS Gregory stated that the information provided indicates that the City can opt to impose this fee in the future.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, not to exercise the right for the PEG Access fee and to send notification to Charter to retain the right to exercise this fee at a later date. All voted "Aye."**

11. CONSIDER APPROVAL OF PWD HATLEY'S REQUEST TO CONTRACT OUT THE INSPECTIONS OF THE CITY'S WATER STORAGE TANKS.

PWD Hatley recommended Texas Tank for the water tower and storage tank inspections. Four quotes were received with Texas Tank being the lowest.

**CM Holland moved, seconded by CM Crews, to approve Texas Tank for the water tower and storage tank inspection in the amount of \$897. All voted "Aye."**

12. DISCUSSION AND/OR ACTION ON THE 2011 CHRISTMAS PARADE ROUTE AND WINTER FESTIVAL AT THE COMMUNITY CENTER.

Mayor Earwood reviewed the proposed Christmas Parade route change. The parade would turn right on Ohio Garden and proceed to Churchill instead of continuing on River Oaks Boulevard to Long Avenue. It was noted that the trailers may have difficulty crossing the dip at Ohio Garden and River Oaks Boulevard. CM Crews suggested that Staff notify Braum's of the route change in advance.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the Christmas Parade Route and Winter Festival. All voted "Aye."**

12A. DISCUSSION AND/OR ACTION ON THE PROPOSED MUTUAL JOINT FIRE SERVICES WITH WESTWORTH VILLAGE AS PRESENTED BY MAYOR PRO TEM GORDON AND COUNCILMAN HOLLAND

Mayor Pro Tem Gordon gave an update related to joint services with Westworth Village and Sansom Park. The goal is to combine departments to better serve all citizens equally. Committees from River Oaks and Westworth Village will meet in the near future and report back to their respective Council's. It was requested that notes be taken and shared with the City Council.

**No action was taken.**

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

13. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE CITY OF RIVER OAKS TEXAS, IMPOSING AND PROVIDING FOR THE TAXATION OF GOODS-IN-TRANSIT AND COLLECTION OF SUCH TAXES FOR TAX YEAR 2012.

At 7:31 p.m. Mayor Earwood opened the public hearing.

CA Elam summarized a state statute that allows municipalities to tax "goods in transit" following a public hearing. The City must take action prior to December 31, 2011 or lose the ability to impose the tax. CA Elam recommended adopting the ordinance even though it does not impact the City at this time.

At 7:37 p.m. Mayor Earwood closed the public hearing.

14. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE NO. 908-2011** OF THE CITY OF RIVER OAKS, TEXAS; IMPOSING AND PROVIDING FOR THE COLLECTION OF TAXATION ON GOODS-IN-TRANSIT FOR TAX YEAR 2012.

**CM Holland moved, seconded by Mayor Pro Tem Gordon, to approve Ordinance # 908-2011. 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**

**None.**

**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

[At 8:06 p.m. Mayor Earwood convened into executive session under Section 551.071, Section 551.072, Section 551.074 and Section 551.076.]

**RECONVENE:**

[At 8:40 p.m. Mayor Earwood reconvened into regular session.]

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

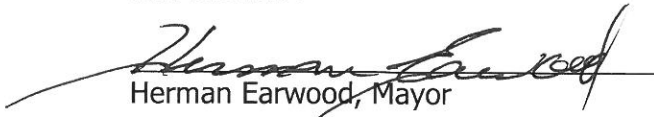
**ADJOURN:**

24. ADJOURN



**At 8:41 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