

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 9, 2014**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF RUSSELL SHELLEY
PUBLIC WORKS DIRECTOR JAMES HATLEY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
COMMUNITY CENTER CO-DIRECTOR SHIRLEY WHEAT
CODE ENFORCEMENT OFFICER JOHN PAUL JONES
ATTORNEY BETSY ELAM

MEMBERS ABSENT:

COUNCIL MEMBER BRUCE SCOTT (WORK RELATED)

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 9, 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 26, 2014 COUNCIL MEETING
- B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 9, 2014 (FY 2014)
- C. APPROVAL OF COMMUNITY NIGHT OUT EVENT AT COMMUNITY CENTER ON OCTOBER 7, 2014 FROM 6:00 P.M. TO 8:00 P.M.
- D. APPROVAL OF RESIGNATION OF TIM JOHNSON AS PUBLIC WORKS EMPLOYEE

CM Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, C, and D with the noted corrections (below listed in red to Consent Agenda Item A) "Minutes of August 26, 2014 Council Meeting" as follows:

Mayor Earwood opened the public hearing at 7:40 p.m. **Code Enforcement Officer (CEO) John Paul Jones** reported that he has met with Alt-source (the property preservation company) and the property has been secured. They had installed a tarp over the hole in the roof caused by the falling tree that has been installed per HUD requirements. **CEO Jones** also reported that the other substandard violations previously cited do not pose a health or safety threat.

CEO Jones reported that there was a bankruptcy filed on the record owners and they are no longer involved with the property. The Lienholders are recorded as being Deutsche Bank National Trust Company. **CEO Jones** recommended under the circumstances that the Council direct staff to put the structure on hold pending a final certificate of occupancy inspection before permitting human occupancy.

CM Gordon is of the opinion that the Lienholder doesn't seem willing to repair the roof. **CM Ashton** questioned how long does CEO Jones anticipate it will take to abate the violations? **Mayor Earwood** is of the opinion that the Lienholders of the property need to abate the violations. **CEO Jones** could not provide a date certain for completion.

With no further discussions, **Mayor Earwood announced that the Public Hearing would remain open until October 28, 2014 at 7:00 P.M. No further action was taken.**

13. **ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 817 WALTER DR. THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.**

NO ACTION TAKEN.

14. **ADMINISTRATIVE HEARING: PURSUANT TO SECTION 3.07.013013 OF THE RIVER OAKS CODE OF ORDINANCES IN ORDER TO ASSESS A CIVIL PENALTY AGAINST THE PROPERTY OWNER AT 1167 GREENBRIER DR. FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE OF ORDINANCES.**

Mayor Earwood opened the Administrative Hearing at 7:49 P.M. **CEO Jones** reported that the Board Order in which the owners had in order to abate all the substandard violations has now expired and compliance has not been met.

CEO Jones reported that an updated substandard checklist was performed on September 5, 2014 in which that inspection revealed that there existed on the property substandard violations regarding the electrical system with open grounds and open neutrals in bedroom, kitchen and bathroom, improper gas shut off valves that had to be replaced with AGA approved gas shutoff valves and heating and cooling requirements not met.

Barbara Meece was present representing her mother, Mary H. West, and stated she had verified that the heater in the house was a 35,000 BTU capable of heating a 1,000 square foot house. Since their plans are now to sell the house, they intended on the new owners providing air

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. 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.

13. CONSIDER APPROVAL OF RESOLUTION # 806-2014 AUTHORIZING 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.

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. CONSIDER APPROVAL TO AMEND AGREEMENT TO CONTRACT WITH TARRANT COUNTY PRECINCT 4 FOR STREET IMPROVEMENTS IN FISCAL YEAR 2015.

CS Gregory reported that the Fiscal Year 2015 street improvement project had to be revised for budgetary reasons.

CM Gordon, seconded by CM Ashton to amend agreement with Tarrant County Precinct 4 for street improvements in Fiscal Year 2015 as submitted and revised by CS Gregory. All voted "Aye".

8. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH N.C.T.C.O.G. FOR THE RIVER OAKS REVIVAL PROJECT (HWY 183 CORRIDOR) AS RECOMMENDED BY THE E.D.C.

CS Gregory reported that since the E.D.C. Meeting the agreement had been revised as follows:

4.1 The SPONSOR shall provide a total of \$80,000 in funds to NCTCOG to support the project as follows: 1) a check payable to the North Central Texas Council of Governments in the amount of \$50,000 within 30 days of execution of this agreement; and 2) a check payable to the North Central Texas Council of Governments in the amount of \$30,000 within 30 days of SPONSOR's receipt of such funds from Tarrant County dedicated for this project. Issuance of a Notice to Proceed to the selected consultant is contingent on receipt of funds from the SPONSOR or as otherwise mutually agreed.

CM Holland expressed concern that the agreement still lists the City as the sponsor responsible for providing total funds of \$80,000 to the project, even though Tarrant County is supposed to contribute \$30,000 after October 1st.

After further discussion, the Council agreed that the agreement as revised does provide that Tarrant County is supposed to contribute \$30,000 to the project, whereas, the former draft made no reference to the \$30,000 contribution from Tarrant County.

CM Gordon moved, seconded by CM Butler, to approve the Interlocal Agreement with North Central Texas Council of Governments (N.C.T.C.O.G.) for the River Oaks Revival Project (HWY 183 Corridor) as recommended by E.D.C. All voted "Aye."

9. CONSIDER APPROVAL TO CONTRACT WITH TYCO INTEGRATED SECURITY FOR SECURITY UPGRADES TO CITY FACILITIES.

CS Gregory reported that the City Attorney had some concerns regarding the terms of the contract and therefore Staff is requesting that the item be tabled until the next meeting in order to allow staff time to try to resolve those issues.

No Further Action was Taken.

10. CONSIDER APPROVAL OF **RESOLUTION 808-2014** APPROVING SPECIAL EVENT PERMITTING AT 1000 ROBERTS CUT OFF FOR THE FOUNTAIN OF BLESSING CHURCH TO HOLD A HARVEST FESTIVAL ON OCTOBER 31, 2014.

CM Gordon asked Pastor Salazar if he was aware that they would have to get a Health Permit for food sales. **Pastor Salazar** did acknowledge that they were aware of it.

CM Gordon moved, seconded by CM Holland, to approve Resolution 808-2014 approving special event permitting at 1000 Roberts Cut Off in order for the Fountain of Blessing Church to hold a Harvest Festival on October 31, 2014. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER PLANNED ACTIVITIES:

- (1) HALLOWEEN HAUNTED HOUSE AND HAY RIDE
- (2) CITY CHRISTMAS PARADE EVENT
- (3) RIVER OAKS FUN RUN (JASON MARTINEZ AND JOHN LOVEN)
- (4) EMPLOYEE'S CHRISTMAS BANQUET
- (5) CITY PARTICIPATION IN FORT WORTH VETERAN'S DAY PARADE
- (6) CITY PARTICIPATION IN FORT WORTH CHRISTMAS PARADE

John Loven was asked to speak first regarding the River Oaks Fun Run sponsored by E.D.C. funding. Mr. Loven stated that December 6th would work best for him to have the run this year. They still have to put the plans together, but there is consideration this year with the permission of the school district to start and finish the parade from the east parking lot at the Football Stadium rather than from the community center. They are considering an entry fee plus a toy that would be donated to Toys for Tots. **PC Carter** stated that the route needs to be coordinated with the Police Department well in advance of the event.

Community Center Co-Director Shirley Wheat followed by requesting council approval to again hold the Christmas Parade this year. The plan was to have the Christmas Parade on the first Saturday in December (December 6th) and to have the Employees Christmas Banquet the next Friday, December 12th. She also requested permission to participate in both the Veteran's Day Parade and the Fort Worth Christmas Parade. Furthermore, this year they would like to just have a hay ride before Halloween rather than the haunted house.

Mayor Earwood stated the council could consider at this time about holding these events, but staff will need to come back later with the actual plans.

CM Gordon moved, seconded by CM Ashton, to approve the community center planned activities (1) through (6) as presented including holding the Christmas Parade and Festivities on December 6th and Employees Banquet on December 12th. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. PUBLIC HEARING CONTINUED TO JULY 22, 2014 TO AUGUST 12, 2014 AND CONTINUED TO SEPTEMBER 9, 2014: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 817 WALTER DR.

conditioning. She had looked at having central air installed, but with them wanting to sell it, they didn't want to sink more money into it.

CM Holland asked if air conditioning was required and CS Gregory stated it was provided for now in the code. **CEO Jones** reported that window units could be installed for cooling and meet the code but he could not verify whether the heater was adequate to provide a room temperature of 68 degrees at 22 degrees outside temperature as required in the code until the gas service was turned on.

Ms. Meece stated that the city inspector had not released the gas and Atmos would not turn on the gas until the city inspector released it. **CEO Jones** stated no request had been given by the owner for gas release. **CM Butler** questioned why the Inspector wouldn't ask the owner if they wanted gas service when making their inspection. **CEO Jones** stated that the inspector normally does not release utilities until the structure is brought into full compliance.

Ms. Meece felt like they could bring the gas and electric into compliance but would need the gas released to check the heating unit. Council was of the general consensus that the administrative hearing to consider assessment of civil penalties for failure to comply should remain open until October 28th in order to allow the owners additional time to abate the remaining substandard violations.

Mayor Earwood announced that the Administrative Hearing would remain open until October 28, 2014 at 7:00 P.M.

15. **ACTION FROM ADMINISTRATIVE HEARING:** CONSIDER ORDERS TO ASSESS A CIVIL PENALTY PURSUANT TO SECTION 3.07.013 AGAINST THE PROPERTY OWNER AT **1167 GREENBRIER DR.** FOR FAILURE TO COMPLY WITH AN ORDER ISSUED BY THE BOARD PURSUANT TO [SECTION 3.07.007](#) OF THE RIVER OAKS CODE.

NO ACTION TAKEN.

16. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2014-2015 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS.

Public Hearing was opened at 8:18 P.M. CS Gregory reported that the city's proposed operational budgets for FY 2015 included:

- **General Fund:** Expenditures of \$4,461,015 and Revenues projected in the amount of \$4,484,249 for a budget proposal in the black by \$23,233. *The General Fund Budget as proposed will raise more property tax revenue compared to the previous year's budget.*
- **Water Fund:** Expenditures of \$2,856,224 and Revenues projected in the amount of \$2,857,349 for a budget proposal in the black by \$1,125.
- **EDC Fund:** Expenditures of \$196,350 and Revenues projected in the amount of \$185,700 for a budget proposal in the red by \$10,650.
- **CCPD Fund:** Expenditures of \$162,724 and Revenues projected in the amount of \$187,600 for a budget proposal in the black by \$24,876.

- **Storm Water Fund:** Expenditures of \$173,156 and Revenues projected in the amount of \$173,156 for a balanced budget proposal.

With no other comments from the public, the Public Hearing was closed at 8:22 P.M.

17. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 1041-2014** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015.

CM Holland moved, seconded by CM Butler to adopt Ordinance #1041-2014 adopting the city's operational budgets for the period October 1, 2014 through September 30, 2015 as submitted by CS Gregory. All voted "Aye".

18. **PUBLIC HEARING:** CONSIDER APPROVAL OF ADOPTING THE AD VALOREM TAX RATE OF \$0.850351 PER \$100 OF PROPERTY VALUE FOR FISCAL YEAR 2014-2015 *WHICH IS EFFECTIVELY 4.95 PERCENT INCREASE IN THE TAX RATE.*

Public Hearing was opened at 8:24 P.M. CS Gregory reported that public hearings had been legally held on August 19th and August 26th. The City Council proposed a tax rate same as in 2013 at \$0.850351 per \$100 of property value. Because the effective tax rate for 2014 is \$0.810226 based on increased property values in the city, a proposed tax rate of \$0.850351 would be a 4.95% increase of which the proposed tax rate exceeds the effective tax rate.

CM Holland stated in his opinion that increased property values is what every property owner is looking to have. **Mayor Earwood** was also in agreement.

CS Gregory read into the record "THE TAX RATE OF \$0.850351 WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."

With no further comments from the public, the public hearing was closed at 8:29 P.M.

19. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 1042-2014** AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AT A RATE OF \$0.850351 PER \$100 OF PROPERTY VALUE *WHICH IS EFFECTIVELY ~~5.57~~ 4.95 PERCENT INCREASE IN THE TAX RATE.*

CM Butler moved, seconded by CM Gordon, that the property tax rate be increased by the adoption of a tax rate of \$0.850351 per \$100 of property value, which is effectively a 4.95 percent increase in the tax rate; approving Ordinance 1042-2014 affixing and levying municipal and ad valorem taxes for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015. Councilwoman JoAnn Butler, Place 1, voted "Aye", Mayor Pro-Tem (Place 2) Steve Holland, voted "Aye", Councilman Joe Ashton, Place 4, voted "Aye" and Councilwoman JoAnn Gordon (Place 5) voted "Aye". Councilmember Bruce Scott, Place 3 (absent). Record Vote: 4 for and 0 against. Motion Passes.

OTHER ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

20. CONSIDER APPROVAL OF **ORDINANCE # 1040-2014** AMENDING ARTICLE 12.04, "SPEED", SPECIFICALLY IN SECTION 12.04.001 "MAXIMUM LIMITS NEAR SCHOOLS, CHURCHES, PARKS" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) EXPANDING THE SCHOOL ZONE FOR IRMA MARSH MIDDLE SCHOOL BY INCORPORATING INTO SECTION 12.04.002(d) "SPECIAL LOCATIONS".

Chief Carter reported that the school zone around the middle school had not been included in the school zones for the city and recommended it also be included.

CM Gordon moved, seconded by CM Ashton to adopt Ordinance #1040-2014 amending Article 12.04, "Speed", specifically in Section 12.04.001 "Maximum limits near schools, Churches, Parks" of the City of River Oaks Code of Ordinances (2006) expanding the school zone for Irma Marsh Middle School. All voted "Aye".

21. 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. (SECOND READING).

CM Gordon revealed for the public the line items that were projects \$10,000 or more in the FY 2015 E.D.C. Fiscal Year Budget. **Mayor Earwood** explained that the Property Incentives for \$75,000 included a \$50,000 incentive payment to Quik Trip that is paid out of EDC funding and has been a net positive impact increasing the sales tax revenue.

CM Gordon moved, seconded by CM Butler to adopt Resolution 807-2014 following the second reading authorizing Economic Development Corporation expenditures from the 2014-2015 Fiscal Year Budget as qualified for projects more than \$10,000. All voted "Aye".

PUBLIC FORUM:

22. 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**

Mayor Earwood announced that an attorney had rented the community center on Wednesday, September 17th at 6:00 P.M. and again on Monday, September 29th regarding gas royalties.

City Attorney Elam stated that some cities had filed suit claiming Chesapeake had miscalculated royalty payments.

CM Ashton stated that the City's Code Department has excellent customer service and they perform a thankless job.

CM Gordon reported that she had staff include in the council packet this time, the documents she received at the last TML Region 8 meeting regarding cyber security. She announced there would be a Cyber Security Summit held on October 16, 2014 from 9:00 A.M. until 4:15 P.M. at the Hurst Conference Center for our IT people or council members if they are interested in attending.

The City Council acknowledged **Fire Chief Shelley** as being at the meeting tonight since he has been out due to a recent back surgery. Chief Shelley stated he had a doctor's appointment on September 22nd and hopes to be back to full duty then.

EXECUTIVE SESSION:

23. 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:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

25. ADJOURNMENT

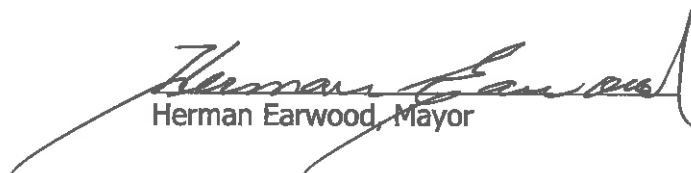
At 8:41 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor