

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 13, 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  
OFFICE MANAGER PAULA BAGWELL  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
COMMUNITY CENTER SPECIAL EVENTS SHIRLEY WHEAT  
SECRETARY SUSAN STEWART  
ATTORNEY STEVE WOODS

**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 13, 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**

Citizen James Myrick 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 CITY COUNCIL MEETING AUGUST 23, 2011
- B. MINUTES OF SPECIAL CALLED COUNCIL MEETING AUGUST 30, 2011
- C. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 13, 2011

**CM Crews moved, seconded by CM Butler, to approve consent agenda items A, 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

**None.**

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

7. CONSIDER APPROVAL FOR HOLDING THE 5<sup>TH</sup> QUARTER AT THE COMMUNITY CENTER

Shirley Wheat stated that the previous year's sponsors of the 5<sup>th</sup> quarter event are unable to commit this year. Mrs. Wheat requested to hold the 5<sup>th</sup> quarter event after Castleberry home games with her company sponsoring the first event. Mayor Earwood requested that if a motion is made it include approval for subsequent years.

**Mayor Pro Tem Gordon moved, seconded by CM Minter, to approve holding the 5<sup>th</sup> Quarter, including subsequent years, contingent on sponsorship, and with the limitation that Staff notifies the Council if issues arise. All voted "Aye."**

8. CONSIDER REQUEST OF BARBARA JACOBS FOR ESTATE SALE AT 828 YALE STREET.

Barbara Graves, owner of the property at 828 Yale St., was present to request permission to hold an estate sale on the property that she inherited from her parents. Ms. Graves gave a brief history of events. Ms. Graves stated that she had obtained a yard sale permit in order to allow her neighbor to conduct a yard sale on her property. Ms. Graves responded to Council questioning, stating that her neighbor had exceeded the allowable number of yards sales for the year. Ms. Graves stated that her intention is to hire a professional to conduct an estate sale in order to sell her parents personal property. Council Members discussed a restriction on the property that no additional yard sales are allowed on the property for twelve months if the request is granted.

**CM Butler moved, seconded by Mayor Pro Tem Gordon, to allow an estate sale at 828 Yale provided that no additional sales be held at this address for a 12-month period. All voted "Aye."**

9. CONSIDER APPROVAL OF **RESOLUTION # 707-2011** PERMITTING A FALL FESTIVAL AT 4350 RIVER OAKS BLVD. AS REQUESTED BY BEVERLY STILLS OF JOHN KNOX PRESBYTERIAN CHURCH.

Pastor Murray Richie was present to request permission to hold a carnival style event at John Knox Presbyterian Church. Council Member Crews reminded the applicant that the health department regulations for food service must be met through Tarrant County. Pastor Murray also requested that the temporary sign permit fee for a balloon advertising the event be waived.

**CM Holland moved, seconded by CM Butler, to approve Resolution # 707-2011 including a waiver for the fee of the temporary balloon sign. All voted "Aye."**

It was requested that the applicant notify the Police and Fire Departments of the event. Mr. Richey asked if the for-profit vendors would be required to obtain a permit. Council and CS Gregory agreed that the entire event was approved by resolution and no additional permitting would be required.

10. CONSIDER APPROVAL OF 2011-2012 CONTRACT FOR EMERGENCY DISPATCH SERVICES WITH TARRANT COUNTY FIRE ALARM CENTER.

FC Short recommended renewal of an annual contract with Tarrant County Fire Alarm for fire dispatch services in the amount of \$22,500. FC Short mentioned several cities that participate in this service including Haslet, Saginaw and Blue Mound.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve the 2011-2012 contract for emergency dispatch services with Tarrant County Fire Alarm Center as presented.**

CM Holland stated that he has been opposed to this service from the beginning and remains in opposition. CM Holland stated his opinion that the City retains better control using "in-house" dispatch services. CM Holland shared a personal experience of emergency responders being dispatched to the wrong address. CM Gordon mentioned that this amount of money could be allotted for the purchase of new fire trucks that are in need of replacement.

**All voted "Aye."**

11. CONSIDER APPROVAL ESTABLISHING A MOTOR VEHICLE INQUIRY SERVICE CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

CS Gregory presented the request of the Code Enforcement Department to contract with Texas Department of Transportation to obtain current vehicle information used when processing junked vehicles. The cost of the program would be a \$200 deposit, \$23 per month and \$.12 per inquiry. Currently the Code Enforcement Department uses PublicData.com, which does not contain the most current information. CS Gregory recommended that only the Code Enforcement Officers, Mike Arnold and Steve Sanders, be allowed users for the program.

**CM Holland moved, seconded by CM Crews, to approve a Motor Vehicle Inquiry Service Contract with the Texas Department of Transportation. All voted "Aye."**

12. CONSIDER APPROVAL OF CONTRACT WITH SOUTHWEST FLUID PRODUCTS FOR EMERGENCY REPAIRS AT THE WATER TREATMENT PLANT

CS Gregory requested approval of a contract with Southwest Fluid Products to repair damage to the railings, piping, and valves that occurred during a recent caustic leak at the Water Treatment Plant at an estimated cost of approximately \$44,792.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve a contract with Southwest Fluid Products for Emergency Repairs at the water treatment plant. All voted "Aye."**

13. DISCUSSION AND/OR ACTION ON CONTRACTING FOR FINANCIAL COMPILATION AND AUDITING FOR THE 2010-2011 FISCAL YEAR FINANCIALS THAT ENDS ON SEPTEMBER 30, 2011.

CM Holland explained the recommendation of the current auditing firm, C. R. Parr and Associates, to have an independent auditor perform the audit that is prepared by C.R. Parr and Associates since the City does not employ a certified accountant. CM Holland stated that two separate engagement letters would be necessary.

**CM Holland moved, seconded by CM Butler, to have Staff contact Parr and Associates for an engagement letter for compilation services and to contact William Spore for an engagement letter for auditing services. All voted "Aye."**

14. CONSIDER APPROVAL OF EMPLOYMENT CONTRACT WITH JOHN GIBBS FOR RESIDENCY IN THE PLANT OPERATOR'S HOUSE AT THE WATER TREATMENT PLANT.

Mayor Earwood stated that John Gibbs holds the required water operator's license required to operate a water treatment plant. Mayor Earwood spoke in opposition of allowing any occupancy in the treatment plant house. Staff proposed to set the rent reimbursement at \$750 per month. CM Holland noted that the \$750 should be reflected on Mr. Gibb's W-2 as supplemental salary. Mayor Earwood requested that the contract include verbage that would protect the City and terminate the contract should any misconduct or violations occur.

**CM Holland moved, seconded by CM Crews, to approve a contract with John Gibbs. All voted "Aye."**

15. CONSIDER APPROVAL OF CELL PHONE COMPENSATION STIPEND AS PRESENTED BY CHIEF CHISHOLM

PC Chisholm presented an option to pay a stipend equal to the cost spent by the City to employees that are required to carry a City cell phone. PC Chisholm relayed the concern of some of the officers who carry a personal cell phone and City cell phone in addition to other required gear. Discussion occurred related to the total number of minutes provided and the possibility of calling personal phones from City phones increasing the number of anytime minutes used. Attorney Woods noted that personal messages sent on personal cell phones that are used for City business are subject to open records requests. CS Gregory stated that he would check with the Sprint representative about the "bucket of minutes" and the cost per month for each phone.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve cell phone compensation stipend as presented by Chief Chisholm depending on further investigation with Sprint for a change in cost due to a reduction in the number of phones on the account. All voted "Aye."**

CM Holland requested a follow-up report from Staff.

16. DISCUSSION AND/OR ACTION ON IN-KIND CITY SERVICES WITH CITY OF SANSOM PARK

Mayor Earwood requested a committee to meet with the City of Sansom Park on fire department services, animal shelter services, library services and election services and report back to the City Council. Mayor Earwood stated that two Council Members and CS Gregory could serve on the committee with additional Council Members as an Alternates. Mayor Earwood requested the Superintendent Jones be included if election services were discussed.

**No action was taken.**

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

17. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED PRELIMINARY AND SITE PLAN APPLICATION OF **QUIK TRIP CORPORATION INVOLVING 4.0755 ACRES OF LAND LOCATED IN A "C-3" COMMERCIAL ZONING DISTRICT AT 2601 JACKSBORO HWY IN RIVER OAKS, TEXAS IN ORDER TO REPLAT LOTS 15, 16A, 16D AND 16E IN THE ROCKWOOD TERRACE ADDITION AS BLOCK 5, LOTS 15R AND 16R-1 IN THE ROCKWOOD TERRACE ADDITION. (ZONING CASE # PZ 2011-13).**

At 8:26 p.m. Mayor Earwood opened the public hearing.

Jake Barron, Real Estate Manager for Quik Trip, was present to describe the proposed service station and convenience store at 2601 Jacksboro Hwy. The proposed store will be the newest layout titled Gen 3. CM Holland inquired about a City sign on the property. Mr. Barron replied that a joint collaboration could result in a new City sign. CS Gregory stated that Quik Trip is in the process of obtaining a portion of the public right of way from TXDOT and therefore the site plan is only a preliminary. Mr. Barron also mentioned the possibility of a fleet program in the future.

At 8:36 p.m. Mayor Earwood closed the public hearing.

18. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED PRELIMINARY AND SITE PLAN APPLICATION OF **QUIK TRIP CORPORATION INVOLVING 4.0755 ACRES OF LAND LOCATED IN A "C-3" COMMERCIAL ZONING DISTRICT AT 2601 JACKSBORO HWY IN RIVER OAKS, TEXAS IN ORDER TO REPLAT LOTS 15, 16A, 16D AND 16E IN THE ROCKWOOD TERRACE ADDITION AS BLOCK 5, LOTS 15R AND 16R-1 IN THE ROCKWOOD TERRACE ADDITION. (ZONING CASE # PZ 2011-13).**

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve the preliminary site plan. All voted "Aye."**

CM Holland expressed appreciation to Mayor Earwood for pursuing development with Quik Trip.

19. **PUBLIC HEARING:** IN ORDER TO RECEIVE TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM APPLICANT (RODNEY ORAND) TO CHANGE THE ZONING CLASSIFICATION OF BLOCK 16, LOT 10, CASTLEBERRY GARDENS ADDITION FROM A "C-1" COMMERCIAL ZONING DISTRICT TO "PC" PLANNED COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A NURSERY NOT PERMITTED IN A "C-1" COMMERCIAL ZONING DISTRICT IN CONJUNCTION WITH THE PRE-EXISTING PERMITTED USE OF THE REAR OF THE PROPERTY FOR A TELECOMMUNICATIONS TOWER. **(ZONING CASE # PZ 2011-14).**

At 8:39 p.m. Mayor Earwood opened the public hearing.

Rodney Orand described the proposal which includes continuing with the concrete wall and iron fence that exists at 1915 Roberts Cut Off at approximately 12 feet from Roberts Cut Off. Mr. Orand would like to install a circular driveway of 6" concrete with two 20-foot approaches. Mr. Orand would like to install 4" of concrete over the existing road base that leads to the telecommunications tower. The proposal includes a dumpster pad and two parking spaces. An R-panel type fence would separate this property from the residential property in the rear portion of the lot. The fencing between this property and the property to the north would be constructed of "horse fencing. CM Crews requested that no break in the fencing be allowed between this property and the Bittle property to the north. CS Gregory reported contact with both the owner of the property and the owner of the telecommunications tower, stating that the only restriction is for 24 hour access to the tower. Mr. Orand stated that 90% of his business on the River Oaks side is retail. Mayor Pro Tem Gordon expressed disappointment at the actions of Mr. Orand when he moved his product onto the vacant lot knowing that this was not allowable. Mayor Pro Tem Gordon mentioned some construction equipment that is parked in the area designated for customer parking at 1915 Roberts Cut Off. Mr. Orand stated that business is slow and the customer parking was not utilized at this time. Mayor Pro Tem Gordon stated that the Planning and Zoning Commission had recommended 120-days for completion of the project. Mayor Pro Tem Gordon reviewed the major projects as follows: 1) front fence, 2) concrete work, 3) side fence (horse-fencing), 4) back fence (R-panel). Mayor Pro Tem Gordon asked if Mr. Orand understood that if all portions of the project were not complete within the 120-days, all products must be removed and the lot returned to the original condition. Mr. Orand indicated that he understood.

At 9:04 p.m. Mayor Earwood closed the public hearing.

20. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 900-2011** AMENDING ORDINANCE NO. 883-2011, BY CHANGING THE ZONING

CLASSIFICATION OF BLOCK 16, LOT 10, CASTLEBERRY GARDENS ADDITION FROM A "C-1" COMMERCIAL ZONING DISTRICT TO "PC" PLANNED COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A NURSERY NOT PERMITTED IN A "C-1" COMMERCIAL ZONING DISTRICT IN CONJUNCTION WITH THE PRE-EXISTING PERMITTED USE OF THE REAR OF THE PROPERTY FOR A TELECOMMUNICATIONS TOWER. **(ZONING CASE # PZ 2011-14).**

**CM Butler moved, seconded by CM Crews, to approve Ordinance # 900-2011 changing the zoning of 1917 Roberts Cut Off to "PC" Planned Commercial and to include a 6" circular concrete driveway and 4" concrete drive to be installed over the existing road base leading to the tower. All voted "Aye."**

21. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2011-2012 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS.

At 9:07 p.m. Mayor Earwood opened the public hearing.

CS Gregory presented the operating budgets for all departments as follows: general fund revenues of \$4,147,970 with expenditures of \$4,153,551, resulting in a deficit of \$5,581; water fund revenues of \$2,772,094 and expenditures of \$2,739,878, resulting in a surplus of \$32,216; EDC revenues of \$151,255 and expenditures of \$171,718, resulting in a deficit budget of \$25,463; Crime Control and Prevention District revenues of \$152,540 and expenditures of \$121,849, resulting in a surplus budget of \$30,691.

CS Gregory added that the storm water access fees would not be included until after the required public hearings.

At 9:28 p.m. with no public comments, Mayor Earwood closed the public hearing.

22. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 901-2011** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance # 901-2011. All voted "Aye."**

23. **PUBLIC HEARING:** CONSIDER APPROVAL OF ADOPTING THE AD VALOREM EFFECTIVE TAX RATE OF \$0.853006 PER \$100 OF PROPERTY VALUE FOR FISCAL YEAR 2011-2012 THAT WOULD IMPOSE THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.

At 9:29 p.m. Mayor Earwood opened the public hearing.

Mayor Earwood stated that the proposed tax rate is actually lower than the tax rate last year, resulting in approximately the same amount of revenue as last year.

At 9:29 p.m. Mayor Earwood closed the public hearing.

24. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 902-2011** AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 AT A RATE OF \$0.853006 PER \$100 OF PROPERTY VALUE THAT IMPOSES THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.

**Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve Ordinance # 902-2011. All voted "Aye."**

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

25. CONSIDER APPROVAL OF **RESOLUTION NO. 709-2011** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE OCTOBER 1, 2011 THRU SEPTEMBER 30, 2012 OPERATING BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (FIRST READING)

No discussion occurred.

**CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve Resolution 709-2011 subject to Community Center projects totalling \$15,000 instead of \$10,000 as presented in the packet. All voted "Aye."**

26. CONSIDER APPROVAL OF **RESOLUTION NO. 710-2011** AMENDING THE CITY OF RIVER OAKS EMPLOYEE POLICY MANUAL AS ORIGINALLY ADOPTED UNDER RESOLUTION NUMBER 509 REVISING ARTICLE IV "COMPENSATION", ESTABLISHING SECTION 4.12 "CERTIFICATION PAY" AND PROVIDING FOR AN EFFECTIVE DATE.

No discussion occurred.

**CM Butler moved, seconded by CM Crews, to approve Resolution 710-2011, effective October 1, 2011. All voted "Aye."**

CM Holland asked if the employee contracts had been drafted. CS Gregory replied that once prepared, the document would be presented to the Council for approval.

27. CONSIDER APPROVAL OF **RESOLUTION NO. 711-2011** ADOPTING A POLICY ON COMPUTING ETHICS

It was discussed that the proposed internet policy is too restrictive. CS Gregory described the necessity for a restrictive policy that prohibits social media such as Facebook. Attorney Woods offered some drafts from other municipalities that could be customized to suit the needs of the City. CM Holland directed CS Gregory to remind city employees that reports could be obtained to determine proper computer usage. CM Crews requested that strong discipline be included in the policy in the event that a virus is contracted on City computers through personal use.

**No action was taken.**



**EXECUTIVE SESSION:**

20. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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:**

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None.**

**ADJOURN:**

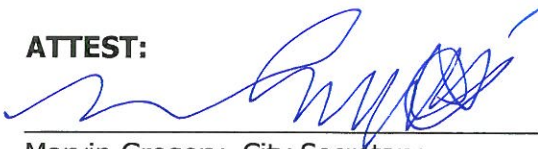
22. ADJOURN

**At 9:41 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