

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 11, 2012**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
PUBLIC WORKS DIRECTOR JAMES HATLEY  
CITY ATTORNEY BETSY ELAM  
EMERGENCY MGMT COORD JAMES MYRICK  
RECORDING SECRETARY CELINA MORENO

**MEMBERS ABSENT:**

None

**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 11, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION**

Mayor Pro Tem 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:**

**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 AUGUST 28, 2012
- B. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 11, 2012
- C. APPROVAL OF RESIGNATION OF FRANCIS ELLIOTT AS CROSSING GUARD
- D. APPROVAL OF HIRING LINDA CLARIDGE AS CROSSING GUARD
- E. APPROVAL OF HIRING CHARLES FLETCHER AS PART TIME DISPATCHER
- F. RESIGNATION OF JOHN CLARIDGE AS PLACE 5 MEMBER ON PARKS BOARD

**Mayor Pro Tem Crews moved, seconded by CM Butler, to approve consent agenda items A, B, C, D, E and F. 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.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 OF **RESOLUTION # 741-2012** FOR SPECIAL EVENT PERMITTING IN ORDER FOR GENESIS JIU JITSU TO HOLD AN OPEN HOUSE EVENT AT THE BUSINESS LOCATED AT 5512 RIVER OAKS BLVD.

Owner Albert Hughes stated he is planning an open house on October 20<sup>th</sup>. It will consist of fun activities for kids like face painting and jumping house, all to draw attention to the business and generate interest. Mayor Pro Tem Crews asked if he had permission from the other businesses that use the parking lot. Hughes said not yet but he can do that. Mayor Pro Tem Crews suggested he check with the neighbor businesses and see if they don't have any objections. Mayor Earwood commented about the liability it would put on the owners of the property, they are the parties involved that will have to approve it. He also stated that the council can go ahead and take the vote on the event with the understanding that the owner and other businesses will have to give their consent.

Mayor Pro Tem Crews pointed out that they are requesting to waive the permit fees for this event and CS Gregory suggests that we do waive them on basis that this is to promote business but then asked why we have the fees if no one pays for them? Mayor Earwood stated that those fees are for outside people that want to come in the city and do something, they will have to pay their way. We're here to support local businesses and not allow outsiders to take advantage of situations.

**CM Gordon moved, seconded by CM Ashton, to approve RESOLUTION # 741-2012 with the understanding that the owner will consult with management and at least advise the others that the festivities are planned to be held. All voted "Aye"**

8. CONSIDER APPROVAL TO ENTER INTO CONTRACT WITH COMMUNITY SKEDS PROGRAM FOR "SHOP RIVER OAKS TX" AS RECOMMENDED BY E.D.C.

CM Gordon stated that Pam Mundo brought this to EDC and this program does two things. It gives her a way to introduce herself to our businesses and it allows our

businesses to have a web page. The cost is \$112 per month; the 1<sup>st</sup> 6 months are free with no startup cost.

CM Ashton asked if the 2 ½ year is a standard. CM Gordon stated it is a 3 year contract with the 1<sup>st</sup> 6 months free and it can be cancelled.

Mayor Pro Tem Crews asked when it starts and CS Gregory stated that as of October 1, 2012. CS Gregory also added that if we do graphics, there will be an additional cost.

Mayor Earwood asked that if local businesses want extras, do they pay the difference. CM Gordon explained that the city will not be doing webpages for the businesses; only for our page that links to the businesses. If we choose to add special graphics to our page then we will have an additional charge. City will not provide web design for businesses.

CM Holland suggested that staff keep track of the dates in order to give the council time to talk about this before going into the second year. CM Gordon stated that Pam Mundo will provide updates on business participation and feedback. CS Gregory added that we should review this at 6 months.

**CM Gordon moved, seconded by CM Butler, to approve to enter into contract with Community SKEDS Program for "Shop River Oaks TX" as recommended by E.D.C. All voted "Aye"**

9. DISCUSSION AND/OR ACTION UNDER THE WNV MOSQUITO SURVEILLANCE REPORT PURSUANT TO RESOLUTION 552 AS PRESENTED BY PWD HATLEY AND EMC JAMES MYRICK.

PWD Hatley stated that we've done 22 tests this year so far, five deaths total in Tarrant County. Also, he announced that one of our employees got sick and we went ahead and tested his house and will have his test results soon. CM Holland stated that to his understanding there are 2 different types of West Nile and asked that when mosquitoes are tested, do they know at that point what type of WNV they carry. PWD Hatley stated that at that point they don't. He also informed us that the city continues to knock on doors and spread the word to prevent the spread of WNV.

EMC Myrick stated it had been two weeks from his last report. He gave the update on death cases. He also stated that due to prevention, our positive test results have declined significantly. We went from 50% positives back in July to a present 10% for August and this should continue to decline due to cooler weather. Tarrant County has approved "Mini Tool Kits" that children will take home from school, these contain information for parents about prevention. Mayor Herman Earwood thanked EMC Myrick for his great work and putting in many hours into this.

**No action taken.**

10. CONSIDER APPROVAL TO ENTER INTO A PLANNED MAINTENANCE AGREEMENT WITH CUMMINS SOUTHERN PLAINS FOR CITY GENERATORS.

Mayor Earwood stated this is something we do every year. CM Gordon asked if it was the exact same contract as before. CS Gregory stated that yes it's the same contract only with a 3% increase for full service maintenance. He also stated that 3 generators are included in the plan; one at city hall, one at the water tower and one at the water plant. All three are very instrumental to the operations of the city.

**CM Holland moved, seconded by CM Butler to enter into a planned maintenance agreement with Cummins Southern Plains for city generators.**

11. CONSIDER APPROVAL OF CID INTERROGATION/INTERVIEW VIDEO SYSTEM TO BE EXPENDED FROM COURT TECHNOLOGY FUND

PC Carter stated that the current video system for the River Oaks Police Dept. has been a problem since its conception and it's not user friendly. He requested a replacement and explained the three options offered by L-3 Mobile Vision Inc. He also recommended that the third option would be the most economical as long as he can come back in the event they go out beings that they are used DVR's and receive approval from council to trade them in for new DVRs at the reduced price of \$2,195 each.

**CM Gordon moved, seconded by CM Butler to approve the expenditure of \$6,200.65 from the court technology fund for CID Interrogation/interview Video System. All voted "Aye"**

12. CONSIDER APPROVAL OF CONTRACT WITH FORT WORTH FOR HAZARDOUS WASTE COLLECTION FOR FY 2013.

Mayor Earwood asked per cap household how much will it be in comparison to previous years. CS Gregory stated that it would remain the same; \$47.00

**CM Gordon moved, seconded by CM Ashton, to approve the contract with Fort Worth for hazardous waste collection for FY 2013. All voted "Aye"**

CS Gregory requested if he can have the authority to appoint somebody later as the secondary point of contact.

**CM Gordon moved, seconded by Mayor Pro Tem Crews, to make CS Gregory the point of contact and let him decide who will be the second. All voted "Aye"**

13. CONSIDER APPROVAL OF AGREEMENT WITH LYSA FOR FALL BASEBALL AT THE MCGEE PARK BALLFIELDS.

President of LYSA Steve Sanders presented a plaque to the city for its continuous support and helping LYSA grow. It will be hung up in the City Hall. Sanders also stated that for this fall they have 40 kids signed up for Baseball and 70 Kids playing football.

They made it to FL last spring and His 8 year old son finished 2<sup>nd</sup> place in the State Tournament.

Mayor Earwood thanked President Sanders for his hard work and making positive changes to LYSA. He added that four years ago they only had 12 kids playing baseball and 9 years ago they have none. CM Holland pointed out that on the contract, the word "daily" should be taken out and on line #18 the dates need to be changed.

**CM Butler moved, seconded by CM Gordon to approve the agreement with LYSA to use the McGee Park Ballfields on Tuesday, Thursday, Friday and Saturday thru November 10th. All voted "Aye"**

14. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE PROPOSED 2012-2013 FISCAL YEAR OPERATING BUDGETS FOR THE CITY OF RIVER OAKS.

At 7:49 p.m. Mayor Earwood opened the public hearing.

CS Gregory presented the operating budget for all departments as follows: general fund revenues of \$4,219,085 with expenditures of \$4,218,941 resulting in a \$143 surplus budget; water fund revenues of 2,822,521 with expenditures of 2,821,712 resulting in a surplus of \$809. This includes the sedimentation pond continuing into the FY 2013, Fort Worth 27.12 % sewer increase, 5.3% Residential increase and 4.8% commercial and apartment increase. The budget proposal also includes the 2% salary increase and the transfer of one employee from EDC to water fund. EDC proposes revenues of 158,200.00 with expenditures of \$157,344 resulting in a surplus of \$856. This includes two development agreements; QT and Mundo & Associates.; Crime Control and Prevention District revenues of \$160,550 with expenditures of 133,142 resulting in a surplus budget of \$27,408; Storm water revenues of \$163,444 with expenditures projected at \$163,444 resulting in a balanced budget.

At 8:08 p.m. Mayor Earwood closed the public hearing.

15. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF **ORDINANCE # 945-2012** ADOPTING THE RIVER OAKS OPERATING BUDGETS FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

**CM Butler moved, seconded by CM Gordon to approve Ordinance # 945-2012 adopting the FY 2013 City Operational Budget. All voted "Aye"**

16. **PUBLIC HEARING:** CONSIDER APPROVAL OF ADOPTING THE AD VALOREM EFFECTIVE TAX RATE OF \$0.856519 PER \$100 OF PROPERTY VALUE FOR FISCAL YEAR 2012-2013 THAT WOULD IMPOSE THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.

At 8:09 p.m. Mayor Earwood opened the public hearing.

CS Gregory explained that adopting the Ad Valorem Tax Rate of \$0.856519 per \$100 of property value for Fiscal Year 2012-2013 would impose the same total taxes as last year

in comparison with properties taxed in both years. The Fiscal Year begins October 1, 2012 and ends September 30, 2013.

At 8:13 p.m. Mayor Earwood closed the public hearing.

17. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 946-2012 AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 AT A RATE OF \$0.856519 PER \$100 OF PROPERTY VALUE THAT IMPOSES THE SAME TOTAL TAXES AS LAST YEAR IN COMPARISON WITH PROPERTIES TAXED IN BOTH YEARS.**

**CM Gordon moved, seconded by CM Butler to approve ORNINANCE # 946-2012. All voted "Aye"**

18. CONSIDER APPROVAL OF **ORDINANCE NO. 947-2012** AMENDING **SEC. 12.05.012 SPECIAL STOP INTERSECTION** OF THE RIVER OAKS CODE OF ORDINANCES ESTABLISHING A SPECIAL STOP INTERSECTION AT THE INTERSECTION OF WHITE OAK LANE WITH MERRITT STREET.

PC Carter stated that he wants a special stop sign at the intersection of White Oak Ln. and Merritt St. due to resident complaints and another special stop intersection at Frontier and Barbara Rd. on the north side of Barbara Rd. He is trying to replace yield signs with stop signs throughout the city as needed. Mayor Pro Tem stated that it's probably due to the new schools and people rerouting. PC Carter also pointed out that yield signs are no longer made in yellow; they are either red or white.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve ORDINANCE # 947-2012 amending SEC. 12.05.012 Special Stop Intersection of the River Oaks code of ordinances establishing a special intersection at the intersection of White Oak Lane with Merritt Street and Frontier with Barbara Rd. All voted "Aye"**

19. CONSIDER APPROVAL OF **ORDINANCE NO. 948-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF FUNDS FROM FIRE DEPT. DOLLAR DONATIONS FOR COMMERCIAL WASHING MACHINE AND APPARATUS.

CS Gregory explained that Council previously approved the expenditure out of the Fire Department Dollar donations for the commercial washer and dryer but the amount was not known until the recent purchase. Therefore we need the purchase amount of \$1,512.10 backed up by ordinance.

**CM Gordon moved, seconded by CM Ashton to approve ORDINANCE # 948-2012 amending the 2011-2012 FY Budget allowing \$ 1,512.10 expenditure from the Fire Dept. dollar donations for purchase of commercial washing machine and dryer and including apparatus. All voted "Aye"**



20. CONSIDER APPROVAL OF **ORDINANCE NO. 949-2012** AMENDING THE 2011-2012 FY BUDGET FOR EXPENDITURE OF GAS ROYALTIES IN THE GENERAL FUND FOR PURCHASE OF SPECIALIZED EQUIPMENT FOR THE SANITATION DEPT.

No discussion occurred.

**CM Butler moved, seconded by CM Gordon to approve ORDINANCE # 949-2012 amending the FY 2012 Budget for expenditure of Gas Royalties for purchase of specialized equipment for the sanitation dept. All voted "Aye"**

21. CONSIDER APPROVAL OF **ORDINANCE NO. 950-2012** ESTABLISHING A CODE OF ETHICS FOR ELECTED OFFICIALS AND BOARD MEMBERS.

Mayor Earwood stated that this was for informational purposes today and would like to see it on the agenda at the next council meeting.

**No action taken.**

22. CONSIDER APPROVAL OF **ORDINANCE NO. 951-2012** AMENDING THE 2011-2012 FY GENERAL FUND BUDGET FOR EXPENDITURES OF COURT TECHNOLOGY FUNDS.

PC Carter explained that a video system is needed in court for visual evidence in court.

**Mayor Pro Tem Crews moved, seconded by CM Gordon to approve ORDINANCE # 951-2012. All voted "Aye"**

23. CONSIDER APPROVAL OF **ORDINANCE NO. 952-2012** AMENDING ARTICLE 13.04 "SEWER SYSTEM", SECTION 13.04.013 "SEWER SERVICE RATES", OF THE RIVER OAKS CODE OF ORDINANCES (2006), ADOPTING AN UPDATED SEWER RATE SCHEDULE.

CS Gregory explained that based from his cost studies associated with sewer treatment and collection taking into account the recent 27.12% increase from Fort Worth effective on October 1, 2012 for treatment, it would necessitate that sewer rates be increased 5.3% for residential customers and 4.8% for commercial and apartment users.

**CM Gordon moved, seconded by CM Butler to approve ORDINANCE # 952-2012 amending article 13.04 "Sewer System" Section 13.04.013 "Sewer Service Rates" of the River Oaks Code of Ordinance (2006) as amended; adopting and ratifying sewer rates incorporating a rate increase for residential, commercial and apartment customers. All Voted "Aye"**

24. CONSIDER APPROVAL OF **RESOLUTION NO. 740-2012** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE OCTOBER 1, 2012 THRU SEPTEMBER 30, 2013 OPERATING BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (SECOND READING)

No discussion occurred.

**CM Gordon moved, seconded by Mayor Pro Tem Crews to approve RESOLUTION # 740-2012 following the second reading. All voted "Aye".**

**STAFF REORTS:**

25. UPDATE, DISCUSSION AND/OR ACTION REGARDING CIVIL PENALTY ASSESSMENTS ORDERED PURSUANT TO SECTION 3.07.013 OF THE RIVER OAKS CODE OF ORDINANCES ON SUBSTANDARD PROPERTIES AT:

- 1205 CHURCHILL – We have updated pictures of the last inspection and will be further discussed. No changes.
- 1409 LAWRENCE – It is bank owned and nothing has been done to date to abate the substandard violations. No changes.
- 4525 ALMENA – We have updated pictures of the last inspection and will be further discussed. We met with contractor; bid would be higher than the bank would want to hear. City Attorney Elam stated they are sending out letters on 09/12/2012.

**PUBLIC FORUM:**

26. 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**

The resident at 5200 Barbara Rd. asked if anyone knew anything about the property at Barbara Rd. and Winters Street, BI Steve Sanders pulled her aside to answer her questions.

Mayor Earwood announced that QT will open in March of 2013

CM Gordon thanked CM Holland for remembering the tragedy of 9/11 and asked that we take a moment to remember those who lost their lives.

Mayor Earwood asked CM Gordon to lead us in Prayer in remembrance of 9/11.

**EXECUTIVE SESSION:**

27. 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: Advice from City Attorney regarding possible litigation on substandard properties at 1205 Churchill, 1409 Lawrence and 4525 Almena Rd.
- 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:**

28. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**None**

**ADJOURN:**


29. ADJOURNMENT

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

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary