

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 28, 2017**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON-6:24 pm
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOANN GORDON
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER STEVE HOLLAND-6:55 pm

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR GORDON SMITH
ASST CITY SECRETARY PAULA LUCK
EDC COORINATOR PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS
CITY ATTORNEY BETSY ELAM

ABSENT:

At 6:10 pm before meeting was called to order due to lack of quorum, Dawn Brinson with Brinson Benefits started her presentation.

1. CALL TO ORDER

With a quorum present (all members present except for Mayor Pro Tem Ashton and CM Holland), Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 6:16 p.m. on Tuesday, March 28, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

4. WORKSESSION: HEALTH CARE REFORM UPDATE AS PRESENTED BY DAWN BRINSON OF BRINSON BENEFITS.

Dawn Brinson with Brinson Benefits gave an update of the health care reform. She mentioned things are always changing and will continue to change. Ms. Brinson talked about the proposed bills related to health care.

5. ACTION FROM WORKSESSION, IF ANY.

NONE

6. ADJOURN FROM WORKSESSION.

At 6:55 pm, Mayor Earwood adjourned from the Work session.

7. RECONVENE INTO REGULAR SESSION.

At 7:00 pm, Mayor Earwood reconvened into Regular Session.

8. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

NONE

9. **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 MARCH 14, 2017 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING MARCH 28, 2017 (FY 2017)
- C. APPROVE CERTIFIED PAY AGREEMENT WITH DEBRA VECHNAK FOR CODE ENFORCEMENT 2 CERTIFICATION
- D. APPROVE RESIGNATION NOTICE OF PUBLIC WORKS EMPLOYEE MICHAEL BASHAM

CM Gordon moved, seconded by CM Scott, to approve the consent agenda with a correction in the minutes. All voted "Aye."

10. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

11. CONSIDER ADOPTION OF AN ORDINANCE #1141-2017 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RIVER OAKS, TEXAS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017A, FOR SEWER SYSTEM IMPROVEMENTS; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SUCH CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND ENACTING OTHER MATTERS AND PROVISIONS RELATING TO THE SUBJECT.

Leroy Grawunder and Craig Cunningham were present. Leroy stated this is a below market interest rate. The proceeds will go to a construction fund. Any monies left over can be used to pay off the certificates or work on other sewer projects. Craig stated the interest rate is established by the Texas Water Development Board which was set last week. There are 30 different interest rates with each year having a different interest rate & principal amount. The net interest will be 1.75% for the sewer over 30 years. Recommend water rate increase or levy tax or a combination of both. CM Holland mentioned the current refunding bonds are not a part of this.

CM Gordon moved, seconded by CM Butler to approve Ordinance #1141-2017. All voted "Aye".

12. CONSIDER ADOPTION OF AN ORDINANCE #1142-2017 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RIVER OAKS, TEXAS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017B, FOR WATER SYSTEM IMPROVEMENTS; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SUCH CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND ENACTING OTHER MATTERS AND PROVISIONS RELATING TO THE SUBJECT.

Leroy Grawunder and Craig Cunningham were present. Leroy mentioned this is the water system certificate of obligations. This is the same as the sewer in item #11. Craig stated the net interest rate is 1.875% for water for over 30 years. CM Holland mentioned the city has incurred no debt on the sewer system.

Mayor Pro Tem Ashton moved, seconded by CM Butler to approve Ordinance #1142-2017. All voted "Aye".

13. CONSIDER APPROVAL OF ORDINANCE #1143-2017 AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.011 "WATER RATES" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING FEES FOR WATER RATES INSIDE AND OUTSIDE THE CITY LIMITS.

CS Gregory stated this is a recommendation from the Tarrant Regional Water District which is a \$6.63 water rate increase. For a water bill of \$100 this would effectively amount to a 6.63% rate increase on the monthly water bill. CM Holland said this is increasing the base minimum only. Most people are paying more than the base minimum.

There still will be smaller lines to replace in the future. Currently we have the money to pay the remaining balance on the current bond. Craig Cunningham mentioned there are two payments left. One for June 2017 and the other for June 2018. **CM Butler moved, seconded by CM Scott to approve Ordinance #1143-2017. All voted "Aye".**

14. CONSIDER APPROVAL OF ORDINANCE #1144-2017 AMENDING SECTION 13.02.074 OF THE CODE OF ORDINANCES REGARDING FORT WORTH SYSTEM ACCESS FEES FOR WASTEWATER.

CS Gregory stated that Fort Worth came out with a different sewer impact fee schedule. This is a part of our sewer ordinance but a clause is inserted on the impact fees and also inserted are the fees into the schedule. Mayor Pro Tem Ashton mentioned that we do not keep any of the monies collected from Sewer Impact Fees.

Mayor Pro Tem Ashton moved, seconded by CM Gordon to approve Ordinance #1143-2017. All voted "Aye".

15. CONSIDER APPROVAL OF ORDINANCE #1139-2017 AMENDING ARTICLE 4.02 "PEDDLERS, SOLICITORS, AND ITINERANT VENDORS" CHAPTER 2, OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; REPEALING THE FORMER PROVISIONS AND INCOPORATING REVISED PROVISIONS REGARDING PEDDLERS AND SOLICITORS WITHIN THE CITY.

CA Betsy Elam went over the three classifications of the Solicitation Ordinance and the rules (see attached). Rules apply to everyone. Only ones collecting monies (solicitors) have to get a permit. If there is a "no solicitation" sign, no one can come to the door. Also if anyone is asked to leave, they must leave. The Scouts and kids selling candy, etc. the adult in charge of the group must get a permit for the group (not individual kids). If the organization is a 501c or church or politician, they must register but there is no charge for the permit.

Mayor Pro Tem Ashton moved, seconded by CM Gordon to approve Ordinance #1139-2017. All voted "Aye".

16. CONSIDER APPROVAL OF RESOLUTION #890-2017 FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD AN OUTSIDE EVENT "ALL AMERICAN FESTIVAL" IN THE CITY OF RIVER OAKS ON SATURDAY, JUNE 24, 2017.

Shirley Wheat stated this will be at the old Super Save property. The festival will begin at 7pm.

Mayor Pro Tem Ashton moved, seconded by CM Butler to approve Resolution #890-2017. All voted "Aye".

17. CONSIDER APPROVAL OF RESOLUTION #891-2017 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

CS Gregory stated this is the standard Resolution like every year.

CM Gordon moved, seconded by Mayor Pro Tem Ashton to approve Resolution #891-2017. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

18. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE AS REQUESTED BY RIVER OAKS PARK LLC THEREBY REVISING ORDINANCE #741-06 SPECIFICALLY IN SECTION 1 UNDER #12 "ADDITIONAL SETBACK REQUIREMENTS" REVISING 12(B) CHANGING THE SETBACK REQUIREMENT FROM 8-FOOT TO 7 ½ FEET ON LOT 11 IN BLOCK 1, PARK ADDITION OTHERWISE KNOWN AS 5237 PARK DR. (ZONING CASE #PZ 2017-02)

At 7:36 Mayor Earwood opened the Public Hearing.

The Planning and Zoning Commission voted a 5 to Zero vote to allow the setback to change. CS Gregory said during construction the original survey stakes were pulled up. After the

construction was complete the survey was off by 4" on only one lot. The owner of the property had already paid for the fee and made application.

At 7:39 Mayor Earwood closed the Public Hearing.

19. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORD. #1145-2017 AMENDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE AS PREVIOUSLY AMENDED BY ORDINANCE NO. 651-04 ON AUGUST 24, 2004, AND AS AMENDED BY ORDINANCE #699-05 AS ADOPTED ON OCTOBER 25, 2005 AND AS AMENDED BY ORDINANCE 741-06 AS ADOPTED ON JULY 25, 2006 THEREBY AMENDING SECTION 1, NUMBER 12, "ADDITIONAL SETBACK REQUIREMENTS" SPECIFICALLY UNDER NUMBER 12(a), "SIDE YARD SETBACKS" BY CHANGING THE OPEN SPACE REQUIREMENTS FOR THE SOUTH SIDE PROPERTY LINE FROM 8-FEET TO 7 1/2- FEET FOR THE PROPERTY DESCRIBED AS BEING LOT 11 IN BLOCK 1, PARK ADDITION OTHERWISE KNOWN AS 5237 PARK DR. (ZONING CASE #PZ 2017-02)

CM Butler moved, seconded by Mayor Pro Tem Ashton to approve Ordinance #1145-2017. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

20. CONSIDER REQUEST BY SHIRLEY WHEAT TO REVISIT THE LIST DEEMING VARIOUS GROUPS AS CIVIC GROUPS.

This item is tabled to a later date.

21. CONSIDER APPROVAL OF THE JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY ELECTIONS.

CS Gregory stated this is a standard contract which required a 75% deposit but does not include a runoff election.

CM Gordon moved, seconded by CM Butler to approve the Joint Election Agreement and Contract for Election Services. All voted "Aye".

STAFF REPORTS:

22. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 5008 SHERWOOD-waiting on civil penalties only.
- 603 HARRISDALE-demolished.
- 4900 ALMENA RD-still working with city attorney.
- 5905 BLACK OAK-district court order, no inspection, no contact.
- 5909 BLACK OAK- district court order, no inspection, no contact.
- 1202 BANKS=back to Public Hearing in April.
- 619 HARRISDALE-on going work.
- 5411 PURDUE-sent letter this week to remove accessory building.
- 606 WORTHVIEW-Foreclosure on court house steps.
- 901 CHURCHILL
- 5513 AMHERST-active permit.

- 1505 GREENBRIER-on going work.
- 5600 TAYLOR-released from substandard.
- 1101 OXFORD-back to Public Hearing.
- 1112 YALE-new buyer, demolishing current house and building new one.
- 1617 HILLSIDE-back to Public Hearing.
- 4817 LANGLEY-back to Public Hearing.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

23. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, REPSONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED
24. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES
25. **INPSECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED
26. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE
27. **MUNICIPAL COURT** INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES
28. **PUBLIC WORKS ACTIVITY REPORT** INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS
29. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
30. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
31. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
32. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT
33. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

34. EMERGENCY MANAGEMENT ACTIVITY REPORT INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

PUBLIC FORUM:

35. 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**

David Vega, 4833 Ohio Garden Road-Arrived late therefore wants clarification of Ordinance #1139-2017. Mayor Pro Tem Ashton clarified the Ordinance as discussed in Item #15.

EXECUTIVE SESSION:

36. 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. **Appointment of Police Chief**
- d. Section 551.076 Deliberation regarding security devices.

At 7:52 pm, Mayor Earwood convened into Executive Session regarding Section 551.074 personnel matters.

RECONVENE:

At 8:30 pm, Mayor Earwood reconvened back into Regular Session.

37. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

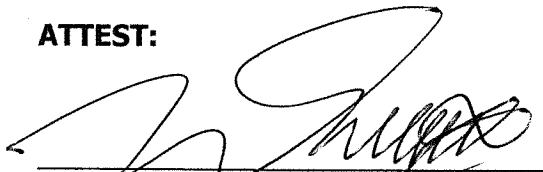
ADJOURN:

38. ADJOURN

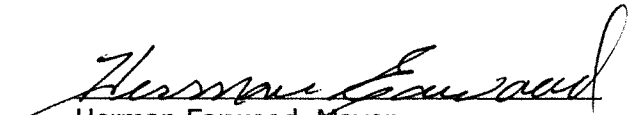
**At 8:35 p.m. CM Gordon moved, seconded by CM Holland, to adjourn the meeting.
All voted "Aye".**

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor

SOLICITATION ORDINANCE SUMMARY

❖ Three Classifications:

- **Canvasser.** Personally contacting persons to communicate, orally or by providing leaflets or handbills, for any purpose other than selling, taking orders, or collecting money for any reason.
- **Handbill Distributing.** Going door-to-door without personally contacting persons to distribute or leave on premises handbills for any reason.
- **Solicitor.** Traveling by foot or vehicle personally contacting persons, whether orally or with written material, for the purpose of selling or taking orders for goods or services or collecting money for any purpose.

❖ The ordinance imposes rules on canvassers and handbill distributors, but only a solicitor is required to get a permit and register.

❖ Rules applicable to canvassers, handbillers and solicitors:

- Prohibited before 9:00 a.m. or after dark or 9:00 p.m., whichever is earlier;
- May not solicit or canvass if “No Solicitors” sign on door;
- Must leave if asked to go by owner or tenant;
- May not be aggressive;
- Must place handbill within 5 feet of the door;
- May not leave a handbill if another is already there; and
- Must place the handbill so it doesn’t blow away.

❖ Rules applicable only to solicitors:

- Rules for soliciting from vehicles;
- Must register and obtain a permit;
- Must obtain a bond if taking orders and funds for products or services to be delivered at a later date; and
- Special rules for juveniles.

