

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
OCTOBER 22, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER DARREN HOUK

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHRIS SPIELDENNER
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BETSY ELAM
EVENT CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

COUNCIL MEMBER STEVE HOLLAND-EXCUSED

PUBLIC TESTIMONY: 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

1. CALL TO ORDER

With a quorum present, Mayor Herman Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, October 22, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Ashton delivered the Invocation.

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

Mayor Pro Tem Ashton led the Pledges of Allegiance to the United States and the Texas Flags.

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

Mayor Pro Tem Ashton read the Red Ribbon Week Proclamation.

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. APPROVE MINUTES OF SEPTEMBER 24, 2019 REGULAR COUNCIL MEETING

- B. APPROVE MINUTES OF OCTOBER 1, 2019 TOWN HALL MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2019 (FY 2019)
- D. RATIFY BILLS PAYABLE FOR PERIOD ENDING OCTOBER 8, 2019 (FY 2020)
- E. APPROVE BILLS PAYABLE FOR PERIOD ENDING OCTOBER 22, 2019 (FY 2020)
- F. RATIFY APPROVAL OF LEASE AGREEMENT WITH YMCA CAMP CARTER FOR A TEMPORARY ANIMAL SHELTER ON CAMP CARTER PROPERTY.
- G. APPROVE RESOLUTION #984-2019 APPROVING SPECIAL EVENT PERMITTING IN ORDER TO HOLD A HARVEST FESTIVAL AS REQUESTED BY ONE FAITH CHURCH AT 1200 ROBERTS CUT OFF ROAD.
- H. APPROVE RESOLUTION #985-2019 APPROVING SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CRAFT FAIR IN THE HIGH SCHOOL PARKING LOT AS REQUESTED BY CISD.
- I. APPROVE RESOLUTION #986-2019 AMENDING SECTION 6.06 "WAGE CONTINUATION PROGRAM" OF THE CITY EMPLOYEE PERSONNEL POLICY.
- J. APPROVE RESOLUTION #989-2019 APPROVING SPECIAL EVENT PERMITTING IN ORDER TO HOLD A FALL FESTIVAL AT 5116 RIVER OAKS BLVD ON OCTOBER 31, 2019.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the Consent Agenda items A-E & G-J. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

ITEM #F: PC Spieldenner gave an update on the temporary animal shelter. There is a secure building at the YMCA that was being used for storage that the city can use for a temporary animal shelter. City staff has been working removing the storage and getting it ready for an animal shelter.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to approve Item #F. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY GALAB ENTERPRISES LLC TO REZONE THE EXISTING LOT A IN THE EM ELLISION ADDITION OTHERWISE KNOWN AS 4901 OHIO GARDEN ROAD FROM A "R-1" SINGLE FAMILY ZONING DISTRICT TO A "R-6" TWO FAMILY ZONING DISTRICT PURSUANT TO SECTION 12A "R-6 TWO FAMILY DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #PZ 2019-0006 RZ).

At 7:11 p.m., Mayor Herman Earwood opened the Public Hearing.

Gary Belue was present. The request is to have 4901 Ohio Garden Road rezoned from R-1 Single Family to R-6 Two-Family for the use as a two-family residential dwelling unit pursuant to Section 12A "R-6" Two-Family District. The structure on the lot was previously an antique shop and was re-zoned previously from Commercial to R-1 Single Family and has primarily been empty or used for storage since; which since there is no proof it has ever been used as residential. The applicant want to convert the building to a 2 unit duplex (two-story in height) that is 2,030 square foot each with 636 square foot of garage on the lower floor for each unit. Since the zoning district is already residential, re-zoning to two-family residential is not considered spot zoning. The building is on an existing 2,976 square foot foundation that was built in 1940 and is registered as a legal non-conforming structure. They are not able to increase the foundation square footage but can build up.

No opposition was received.

At 7:18 p.m., Mayor Earwood closed the Public Hearing.

8. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1251-2019 REZONING LOT A IN THE EM ELLISTON ADDITION OTHERWISE KNOWN AS 4901 OHIO GARDEN ROAD FROM A "R-1" SINGLE FAMILY ZONING DISTRICT TO A "R-6" TWO FAMILY ZONING DISTRICT PURSUANT TO SECTION 12A "R-6 TWO FAMILY DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #2019-0006 RZ).

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1251-2019. All voted "Aye".

9. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 23A OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 315 CHURCHILL ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (ZONING CASE #PZ SUP 2019-0007).

At 7:19 p.m., Mayor Earwood opened the Public Hearing.

Jacob Bowser with CISD was present. CISD received a grant to install towers for internet for the students to use at home. Students will have limited access. There will be a 6' wrought iron fence around the tower, will be 15' from the retaining wall and will have a generator. There will be a light installed at the top pending a FAA study. The Planning & Zoning Commission voted 5-0 to recommend to the City Council for approval. This is the final tower to be erected in CISD. The site for this tower is at the CISD Technology Building.

At 7:26 p.m., Mayor Earwood closed the Public Hearing.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 23A OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 315 CHURCHILL ROAD IN A C-F "COMMUNITY FACILITIES "ZONING DISTRICT. (ZONING CASE #PZ SUP 2019-0007).

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the recommendation from the Planning & Zoning Commission to approve the application from CISD to erect a telecommunications tower at 315 Churchill Road. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

11. DISCUSSION AND/OR ACTION ON SUBSTANDARD PROPERTY PROGRESS REPORT ON 1605 MONTROSE DRIVE AS PRESENTED BY THE CITY'S BUILDING INSPECTOR.

David Courtney was present. There is nothing new to report. The funds have not been received yet. As of last Tuesday, a check was mailed out. Contractors are waiting on the funds to start work. The order expires on December 9th, 2019.

12. CONSIDER APPROVAL OF EQUIPMENT RENTAL AND SERVICE AGREEMENT WITH COMPLETE MAILING PARTNERS FOR 2 STATION FOLDER INSERTER AND COLOR PRINTER.

With the current folding/inserter machine, we cannot insert newsletters into the water bills and the current machine is unable to be repaired because parts are no longer available. The current laser printer that prints the water bills prints black and white only and would like to upgrade to a color printer. The impact would be a \$2,613.36 increase from what was budgeted. We just found out that we do not have to upgrade Windows on some computers which is a \$37,000.00 savings. That will cover the cost of this increase and the remaining funds will go towards a new locking system.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the agreement with Complete Mailing Partners. All voted "Aye".

13. CONSIDER APPROVAL OF AGREEMENT UPDATING ALARM MONITORING AND NOTIFICATION SERVICES AT THE RIVER OAKS EVENT CENTER.

All of our systems are upgraded except for the Event Center. With the new upgrade, there will be a \$416.03 savings per year.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve updating the Event Center's alarm system subject to the City Attorney's approval. All voted "Aye".

14. DISCUSSION AND/OR ACTION REGARDING HOUSE BILL 914 ALLOCATING TO LOCAL GOVERNMENTS PRIZE FEES COLLECTED FROM BINGO PLAYERS AND MEETING LICENSING REQUIREMENTS.

The city needs to vote on to continue to collect Bingo money. The Event Center is the only location that collects Bingo money.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm in accordance with House Bill 914 that we collect any lawful fees or money off of Bingo that should arise going forward. All voted "Aye".

15. CONSIDER APPROVAL OF RECOMMENDATION FROM THE STORM WATER TASK FORCE FOR SURVEYING AND ENGINEERING DRAINAGE SERVICES ON INSPIRATION LANE.

Inspiration Lane from Miller to the north end of the Water Plant entrance has a past history of drainage issues and road base failures. The Storm Water Task Force sees this location as one of the priorities in the Storm Water plan for improvements. The cost for the surveying and engineering is \$29,100.00. The Storm Water Task Force voted unanimously to recommend to the City Council to approve the surveying and engineering for this project.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the recommendation from the Storm Water Task Force contingent on final approval from the City Attorney. All voted "Aye".

16. CONSIDER APPROVAL OF MEMBERSHIP AGREEMENT IN ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT) FOR MEMBERSHIP YEAR 2020.

This agreement is done every year.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve the ERCOT agreement. All voted "Aye".

17. CONSIDER APPROVAL OF INSTALLING A HISTORICAL MARKER ON COATES PARK HONORING JOHNNY RUTHERFORD AS PRESENTED BY THE AMERICAN RACING MEMORIAL ASSOCIATION (ARMA) WITH THE OFFICIAL UNVEILING ON SATURDAY, NOVEMBER 9, 2019 AT 10:00 A.M.

The location of this monument at Coates Park will depend on approval from City Staff and the Police Department. The city will be responsible for the installation of the marker.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the installation of a historical marker at Coates Park honoring Johnny Rutherford. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. CONSIDER APPROVAL OF RESOLUTION #987-2019 REQUESTING THE NORTH TEXAS COUNCIL OF GOVERNMENTS ("NCTCOG") CONSIDERATION FOR FUNDING THE COMPLETION OF THE MEANDERING ROAD CONNECTION FROM ROBERTS CUT OFF TO SH 183 (RIVER OAKS BLVD) IN ORDER TO ALLEVIATE TRAFFIC CONGESTION ON MEANDERING ROAD AND CREATING A NEW ECONOMIC DEVELOPMENT OPPORTUNITY FOR THE CITY.

There is a limited amount of monies in this area. This Resolution will put us first on the list for funding.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve Resolution #987-2019. All voted "Aye".

19. CONSIDER APPROVAL OF RESOLUTION #988-2019 ADOPTING THE HART VERITY VOTING SYSTEM AND PROVIDING AN EFFECTIVE DATE.

Tarrant County Commissioners Court has already voted to approve the contract with Hart. The new voting system was demonstrated at the last Town Hall meeting and the audience was able to try the new machines out.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Resolution #988-2019. All voted "Aye".

STAFF REPORTS:

20. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-electrical rough in is complete, will install new windows, near completion.
- 4711 WHITE OAK-near completion.
- 1017 CHURCHILL-will bring back to council.
- 1605 YALE ST-due to potable water. Title search completed.
- 1701 YALE ST-due to potable water. Title search completed.
- 5217 BARBARA RD-title search completed.

21. UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

Daniel Blankenship is not resigning.

Mayor's Council banquet is December 2nd, 2019 at Ridglea Country Club.

The Head Start program wants a letter of support.

Community Meeting is October 28th, 2019 at 6:30 p.m. at the Event Center. An update on the commercial corridor comprehensive plan will be given and will also will receive public input.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

22. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

23. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.

24. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

25. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

26. **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

27. **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

PWD Smith-the November Town Hall meeting will consist of Churchill Road. Presented to the Council and audience was the traffic detour schedule for River Oaks Blvd and Roberts Cut Off Road. Gave an update on the water main break from last night.

28. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

29. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

Event Center Director Wheat-the last talent show was good.

30. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX

31. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.

32. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

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

34. **PUBLIC FORUM:**

John Bennett-request amending the first Public Testimony at the beginning of the agenda to combine with this Public Forum. A letter from an Appraisal District candidate was presented.

CM Claridge-questioned the public involvement on the Public Testimony. CA Elam said miss-communication that has been published. The statute was read and clarified.

EXECUTIVE SESSION:

35. 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

RECONVENE:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

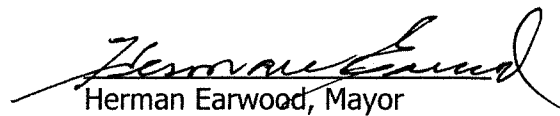
NONE

ADJOURN:

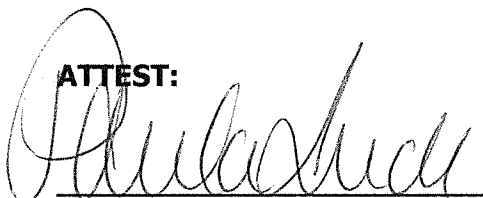
37. ADJOURN

At 8:30 p.m., Mayor Earwood adjourned the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary