

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 12, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON-7:31 p.m.
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER DARREN HOUK

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
EMERGENCY MGT JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
PWD GORDON SMITH
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
CITY ATTORNEY BETSY ELAM
FIRE CHIEF RUSSELL SHELLEY

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 THAT ISSUE, OR DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE AND NO COUNCIL DELIBERATION IS PERMITTED FOR TOPICS NOT SPECIFICALLY LISTED ON THIS AGENDA.

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, November 12, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Houk delivered the Invocation.

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

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

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

Mayor Earwood read Proclamations for: Municipal Court Week from November 4th-November 8th; Johnny Rutherford Day on November 9th in the City of River Oaks; World Kindness Day on November 13th.

CM Gregory read a letter from CM Holland in regards to World Kindness Day. Renee Smith-Faulkner introduced herself and the community members with her introduced themselves.

5. FIRE DEPARTMENT OATH OF OFFICE AND PRESENTATION OF FIREMAN'S BADGES BY FIRE CHIEF RUSSELL SHELLEY.

CM Gregory gave the Statement of Appointed Official and the Oath of Office to all nine full-time firemen and their families pinned a pin on their uniforms.

6. SPECIAL PRESENTATION TO THE FIRE DEPARTMENT BY COUNCIL MEMBER DARREN HOUK.

CM Houk presented the Fire Department with a metal sign.

7. CONSIDER APPROVAL OF ORDINANCE #1252-2019 APPOINTING ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF RIVER OAKS TO SERVE A TERM THAT WOULD CORRESPOND WITH THE JUDGE'S TERM TO EXPIRE BY JUNE 1, 2020.

Mayor Earwood introduced River Oaks Municipal Court Judge Andy Vogel and Andy gave a brief history of himself. Andy Vogel introduced Jim Minter and Jim gave a brief history of himself.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1252-2019. All voted "Aye".

8. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE BY JUDGE ANDY VOGEL APPOINTING JIM MINTER AS AN ASSOCIATE JUDGE OF THE MUNICIPAL COURT OF RECORDS IN THE CITY OF RIVER OAKS.

Judge Andy Vogel gave the Statement of Appointed Official and the Oath of Office to Jim Minter as an Associate Judge.

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. APPROVE MINUTES OF OCTOBER 22, 2019 REGULAR CALLED MEETING
- B. APPROVE MINUTES OF OCTOBER 28, 2019 COMMUNITY MEETING
- C. APPROVE MINUTES OF NOVEMBER 5, 2019 TOWN HALL MEETING
- D. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 12, 2019 (FY 2020)
- E. APPROVE AGREEMENT FOR DRUG & ALCOHOL TESTING PROGRAM WITH ALLIED COMPLIANCE SERVICES
- F. APPROVE 4TH QUARTER E.D.C. FINANCIAL REPORT (JULY 1-SEPTEMBER 30, 2019)

G. RATIFY AGREEMENT WITH BUZZ CUSTOM FENCE REGARDING DILAPIDATED SCREENING FENCE TEAR OUT & SCREENING FENCE INSTALLATION ALONG NORTH SIDE OF CITY HALL COMPLEX

H. RATIFY THE MAYOR APPOINTMENT OF DARREN HOUK AS THE COUNCIL LIAISON TO THE FRIENDS OF THE ANIMAL SHELTER, A 501C3 CORPORATION

I. RATIFY FY 2020 YEAR BUDGET AS APPROVED BY THE FRIENDS OF THE ANIMAL SHELTER, 501C3 CORPORATION, PURSUANT TO SECTION 1.2 "POWERS" OF THE BYLAWS

J. RATIFY CITY SECRETARY APPROVAL BY ADOPTION OF RESOLUTION #990-2019 IN ORDER TO HOLD OUTDOOR SPECIAL EVENT ON NOVEMBER 9, 2019 AS REQUESTED BY MAVEN'S MOON APOTHECARY AT 1111 ROBERTS CUT OFF ROAD WITH VENDORS PROMOTING PUBLIC EDUCATION ABOUT APOTHECARY AND GARDENING

K. APPROVE RENEWAL OF MAINTENANCE AGREEMENT WITH ADAMS COMFORT EXPERTS FOR HVAC SYSTEM WATER PLANT

L. APPROVE AGREEMENT WITH MULTATECH AT AN ADDITIONAL COST IN ORDER TO MODIFY THE LEGAL BOUNDARY DESCRIPTION OF THE TAX INCREMENT INVESTMENT ZONE (TIRZ) AS RECOMMENDED BY E.D.C.

M. APPROVE LETTER OF INTENT TO PURCHASE PROPERTY AS RECOMMENDED BY E.D.C.

CM Chisholm moved, seconded by CM Houk to approve the Consent Agenda Items #A-M with a correction in Item #A. All voted "Aye".

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

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

11. CONSIDER APPROVAL OF THE 2019 RATE ADJUSTMENT FROM WASTE CONNECTIONS OF TEXAS FOR COMMERCIAL SOLID WASTE COLLECTION AS PRESENTED BY NORM BULAICH, MUNICIPAL MANAGER.

Norm Bulaich was present. The total increase this year is 3.3% which will be effective December 1, 2019. This increase is passed along to the commercial customers.

Mayor Pro Tem Ashton moved, seconded by CM Houk to approve the 2019 rate adjustment from Waste Connections of Texas. All voted "Aye".

At this time, Mayor Earwood skipped to Item #14.

Ruth Ann Teague was present who has lived at 5000 White Oak Lane for 50 years. Family moved into 716 Roberts Cut Off Road in 1953 and family has lived there since. The house will be vacant by the end of this year. Right now the house is a mess and understands that an inspection has to be done for the security and safety of the new occupants.

Mayor Pro Tem Ashton moved, seconded by CM Houk to approve a 60-day extension on the Certificate of Occupancy at 716 Roberts Cut Off Road. All voted "Aye".

12. CONSIDER APPROVAL OF RESOLUTION #991-2019 IN ORDER TO HOLD FUTURE MONTHLY OUTDOOR SPECIAL EVENTS ON SPECIFIC DATES AS REQUESTED BY MAVEN'S MOON, APOTHECARY WITH VENDORS PROMOTING PUBLIC EDUCATION ABOUT APOTHECARY AND GARDENING.

Megan Dolph was present. The monthly events requested are a full moon gathering. They are always on Saturdays from 3 p.m. to 11 p.m. Use of the school parking lot for parking has been approved by the school. Some concern was about the events being until 11:00 p.m. which there have been no complaints or issues with the last events by the Police Department or residents.

CM Houk moved, seconded by Mayor Pro Tem Ashton to approve Resolution #991-2019. All voted "Aye".

13. CONSIDER APPROVAL OF REQUEST BY MAVEN'S MOON AT 1111 ROBERTS CUT OFF ROAD TO BE PERMITTED TO HAVE PAINTED OUTSIDE WALL MURALS IN VIOLATION OF SECTION 3.12.083 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED PROHIBITING DIRECT PAINTING ON BUILDINGS EXCEPT FOR IDENTIFICATION & TO BE PERMITTED TO BE ALLOWED TO KEEP PIANO ON FRONT PORCH VIOLATION OF ARTICLE 6.03 "PROPERTY MAINTENANCE".

Megan Dolph was present and gave a brief bio on her store. Inside furniture according to the City Ordinance is not allowed outside. There is a piano and a bookcase on the front porch. The painting on the wall is a mural according to the owner. The Code reads no hand painted signs. If council allows this mural to remain on the wall, they will have to allow murals from everyone.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to allow the mural to stay and not qualify it as a sign, but remove the piano, and the bookcase will have to be made out of an outdoor appropriate container in order to remain on the porch. Mayor Pro Tem Ashton, CM Claridge, and CM Houk voted "Aye". CM Chisholm voted "Nay". Motion Passed.

14. CONSIDER APPROVAL OF REQUEST FROM RUTH ANN TEAGUE TO EXTEND THE APPROVAL DEADLINE ON THE CERTIFICATE OF OCCUPANCY PERMIT AT 716 ROBERTS CUT OFF ROAD AN ADDITIONAL 60-DAYS DUE TO EXTENUATING CIRCUMSTANCES.

This item was done before Item #12.

15. CONSIDER APPROVAL OF REQUEST FROM DON ISTOOK WAIVING THE REQUIREMENT FOR SEPARATE UTILITY SERVICES FOR MULTIPLE OFFICE SPACES WITHIN A SINGLE COMMERCIAL BUILDING AT 4813 GREEN OAKS BLVD. ACCORDING TO SECTION 13.03.005 OF THE RIVER OAKS CODE OF ORDINANCES, AS AMENDED.

Don Istook was not present. This is a commercial building that has six small office spaces and the building having one restroom. The Ordinance states there will be separate utility services for multiple office spaces within a commercial building.

CM Houk moved, seconded by CM Claridge to approve the request from Don Istook waiving the requirement for separate utility services at 4813 Green Oaks Blvd. All voted "Aye".

Additional discussion on Item #13: Mayor Pro Tem Ashton supports what staff brings to CM Gregory and apologizes for the way the process was done. CM Gregory pointed out that this issue is under the Code of Ordinances which can be appealed to the board which is the City Council. CM Gregory made the decision and ordered the mural to be removed but Ms. Dolph wanted to appeal the decision. Mayor Pro Tem Ashton wants this item to be brought back at a future meeting.

16. DISCUSSION AND/OR ACTION ON HIRING A TELECOMMUNICATIONS CONSULTANT REGARDING THE 120-FOOT MONOPOLE TOWER LEASE LOCATED AT CITY HALL THAT EXPIRES ON DECEMBER 26, 2021.

The current lease expires on December 26, 2021. The city can renew, take possession of the tower, or require the tower be removed. John Pestle is a recommended cell tower & telecommunications attorney out of Michigan which already does work with T.O.A.S.E. We have not requested an official proposal but he normally charges \$650 an hour but has an associate that charges \$400 an hour. No action taken until a proposal is received.

17. CONSIDER APPROVAL OF AGREEMENT WITH JOHNSON CONTROLS TO INSTALL, MONITOR AND MAINTAIN AN UPDATED DOOR LOCK SYSTEM IN THE POLICE & FIRE COMPLEX.

The current locking system does not fit our needs. This agreement is for the Police & Fire Complex only.

Mayor Pro Tem Ashton moved, seconded by CM Houk to approve the agreement with Johnson Controls. All voted "Aye".

18. DISCUSSION AND/OR ACTION ON APPROVAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH ENGINEERING DESIGN AND RIGHT-OF-WAY ACQUISITIONS ON THE MEANDERING ROAD IMPROVEMENTS.

This item will be passed to a later date.

19. DISCUSSION AND/OR ACTION ON REQUEST FROM SHIRLEY WHEAT FOR THE CITY TO HOLD A SPECIAL OUTDOOR EVENT AT THE EVENT CENTER FOR A "CHS SEND OFF PARTY" FOR THE FOOTBALL TEAM GOING TO PLAYOFFS.

CM Claridge moved, seconded by CM Houk to approve the outdoor event "CHS Send Off Party". All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

20. CONSIDER APPROVAL OF ORDINANCE #1253-2019 AMENDING ARTICLE 12.05 "STOPPING, STANDING AND PARKING", SECTION 12.05.011 "SPECIAL NO PARKING ZONES" BY INCORPORATING SECTION 12.05.011(e) "GREEN OAKS DRIVE" THAT DESIGNATING 592- FEET ON THE NORTH SIDE OF GREEN OAKS DRIVE FROM 4817 GREEN OAKS DRIVE TO 4905 GREEN OAKS DRIVE AS A NO PARKING ZONE.

This request is not from the city. There are currently two no parking signs that the city did not install. If TXDOT placed the signs there, they have said they will not enforce it. It is a two way street and vehicles are using it as a parking lot. It is a traffic hazard. The solution is to place city no parking signs and enforce it. Recommendation also was to re-stripe the road.

CM Houk moved, seconded by Mayor Pro Tem Ashton to approve Ordinance #1253-2019. All voted "Aye".

21. CONSIDER APPROVAL OF ORDINANCE #1254-2019 AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.011 "WATER RATES" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING FEES FOR WATER RATES INSIDE AND OUTSIDE THE CITY LIMITS INCLUDING IRRIGATION METERS; REPEALING ORDINANCE #1249-2019 AS ADOPTED ON SEPTEMBER 24, 2019.

In reviewing the Code of Ordinances, it was found an error was made when calculating the commercial base water rates.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1254-2019. All voted "Aye".

22. CONSIDER APPROVAL OF ORDINANCE #1255-2019 TRANSFERRING FUNDS FROM THE LIBRARY DOLLAR DONATION FUND TO ACCOUNT 01-523-5225 IN THE GENERAL FUND TO PURCHASE AUDIO/VISUAL TAPES.

CM Houk moved, seconded by Mayor Pro Tem Ashton to approve Ordinance #1255-2019 in the amount of \$2,500. All voted "Aye".

23. CONSIDER APPROVAL OF RESOLUTION #992-2019 INCREASING COMMERCIAL SOLID WASTE COLLECTION FEES FOR COMMERCIAL CUSTOMERS.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Resolution #992-2019. All voted "Aye".

24. CONSIDER APPROVAL OF RESOLUTION #993-2019 AMENDING SECTIONS 4.13 "FIRE DEPARTMENT SHIFT EMPLOYEE PAY" & SECTION 5.01 "HOLIDAYS" PERTAINING TO FIRE DEPARTMENT PAY & HOLIDAY BENEFITS IN THE EMPLOYEE PERSONNEL POLICY MANUAL.

The City was contacted by our labor attorney at T.O.A.S.E. to make changes in regards to pay for the Fire Department in line with F.L.S.A. Apparently many Fire Departments are having to make this change also.

Mayor Pro Tem Ashton moved, seconded by CM Houk to approve Resolution #993-2019. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

25. 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.

The Community Meeting that was scheduled for November 26th on the Public Hearing for the land use plan has been re-scheduled to December 10th, 2019.

EXECUTIVE SESSION:

26. 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 compliant or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

NONE

RECONVENE:

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

CM Claridge-brought up about possibly cutting into River Oaks Blvd to get more parking across the street.

Mayor Pro Tem Ashton-Carol Gay, Police Dispatcher passed away from a long battle of cancer.

CM Chisholm-RTC meeting Thursday regarding the 199 project. West Tarrant Alliance meeting was at the new Azle City Hall complex and Police Department in which the census was discussed. Blood drive scheduled for December 17th in honor of Carol Gay.

CS Luck-City Christmas Dinner December 13th, 2019 with Vance Godbey's catering.

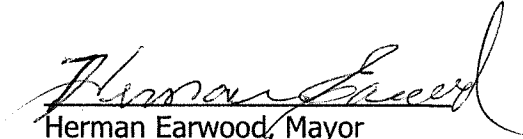
CM Houk-December 7th, 2019 is the Artful Village Christmas event.

ADJOURN:

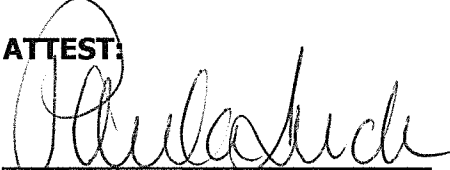
28. ADJOURN

At 9:29 Mayor Earwood adjourned the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary