

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
NOVEMBER 26, 2019**

**MEMBERS PRESENT:**

MAYOR PRO TEM JOE ASHTON  
COUNCIL MEMBER JOHN CLARIDGE  
COUNCIL MEMBER DAN CHISHOLM  
COUNCIL MEMBER DARREN HOUK  
COUNCIL MEMBER STEVE HOLLAND

**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  
EVENT CENTER DIRECTOR SHIRLEY BLOOMFIELD  
FIRE CHIEF RUSSELL SHELLEY

**ABSENT:**

MAYOR HERMAN EARWOOD

**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 AND NO COUNCIL DELIBERATION IS PERMITTED FOR TOPICS NOT SPECIFICALLY LISTED ON THIS AGENDA.

Daniel Bennett spoke about the Tarrant Appraisal District Election. Mr. Bennet withdrew his name from the ballot and Tarrant Appraisal District did not send out notifications. CISD voted for Mr. Bennett but because they were not notified of his withdrawal, they lost their votes. Mr. Bennett introduced Gary Losada who is on the ballot. Mr. Losada handed out his resume and testimony to the City Council and briefly went over his resume and testimony.

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, November 26, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland 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) AND SPECIAL PRESENTATIONS 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. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION**

- A. APPROVE MINUTES OF NOVEMBER 12, 2019 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 12, 2019 (FY 2020)
- C. APPROVE 4<sup>TH</sup> QUARTER CRIME DISTRICT FINANCIAL REPORT (JULY 1-SEPTEMBER 30, 2019)
- D. APPROVE 4<sup>TH</sup> QUARTER STORM WATER FINANCIAL REPORT (JULY 1-SEPTEMBER 30, 2019)
- E. APPROVE 4<sup>TH</sup> QUARTER ANNUAL INVESTMENT REPORT (JULY 1-SEPTEMBER 30, 2019)
- F. APPROVAL OF TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION GRANT PROGRAM FUNDING CONTRACTS NUMBER 582-20-1165-VW AND NUMBER 582-20-11666-VW FOR PURCHASE OF 2 GARBAGE TRUCKS AND 1 STREET SWEEPER THROUGH TEXAS COMMISSION OF ENVIRONMENTAL QUALITY

**CM Claridge moved, seconded by CM Chisholm to approve the Consent Agenda items A-E with removing Item #F from the Consent Agenda. All voted "Aye".**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.**

Item #F: The city received at the last minute the approval on the contracts on two garbage trucks and one street sweeper. Requesting to accept this approval but the city can back out at any moment. There is \$455,237.00 cost that the city will be liable for which Government Capital has provided the city with financing options which will be discussed in more detail at a later date. Also added to the financing structure were some water & sewer equipment.

**CM Claridge moved, seconded by CM Houk to approve moving forward with the contracts for the two garbage trucks and the street sweeper. All voted "Aye".**

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

**7. DISCUSSION AND/OR ACTION ON PAINTED OUTSIDE WALL MURALS PURSUANT TO SECTION 3.12.083 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED PROHIBITING DIRECT PAINTING ON BUILDINGS EXCEPT FOR IDENTIFICATION.**

Mayor Pro Tem Ashton requested at the last meeting that this be brought back for further discussion. The motion was made to allow this mural to stay on the building that is on Maven's Moon which is located on Roberts Cut Off Road. The sign ordinance defines graffiti and signs. If this is not addressed, there will be issues with prosecution later. CA Elam said that the decision can be reversed or have the opportunity to re-look at the Ordinance. Words do not make it a sign.

**Mayor Pro Tem Ashton moved, seconded by CM Holland to rescind motion from the November 12, 2019 Council Meeting related to the sign only at Maven's Moon and to reconsider the entire issue at a later date at the location at 1111 Roberts Cut Off Road and to re-look at the Sign Ordinance and to defer enforcement until Council takes action. All voted "Aye".**

8. DISCUSSION AND/OR ACTION ON ADOPTING THE INTEGRATED STORM WATER MANAGEMENT (ISWM) MANUAL AS THE CITY'S SPECIFICATION FOR DRAINAGE SYSTEM INSTALLATION & ON THE CITY BECOMING ISWM CERTIFIED.

This is administered by NCTCOG and was brought before the Storm Water Task Force. It is recommended to table this item to the December 10<sup>th</sup> meeting so the engineer can be here to present this. PWD Smith briefly went over the ISWM.

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

Fort Worth amended the agreement with TXDOT because TXDOT will not do this project because it is not a state highway. Also Fort Worth is not comfortable with acquiring the property in the City of River Oaks, so they would like to enter into an agreement so that Fort Worth makes the funds available for the costs of property acquisitions to be accomplished by River Oaks. Fort Worth will then be reimbursed for these costs through the agreement with TXDOT. This item is for discussion only tonight because TXDOT has not yet approved the amendment. More than likely the agreement will be on the next Council Meeting.

10. CONSIDER APPROVAL OF RECOMMENDATION FROM THE STORM WATER TASK FORCE FOR SURVEYING AND ENGINEERING DRAINAGE SERVICE ON HILLSIDE DR.

The Engineer can use our previous topo study and would have to only do the civil design phase and construction phase estimated at a cost of \$7,000. The Engineer went before the Storm Water Task Force on November 21, 2019. This area has had a long standing problem with drainage apparently from a shallow underground spring that surfaces and drains into the back yards on the west side of Hillside and down to the street through piping from sump pumps and in wet years usually runs continuously creating additional downstream flooding.

**CM Holland moved, seconded by CM Houk to approve the surveying and engineering drainage service on Hillside Drive. All voted "Aye".**

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

11. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY EID ABDELNOUR FOR THE APPROVAL OF THE SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION ONLY, PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED (ZONING CASE #SUP2019-0008).

At 8:05 p.m., Mayor Pro Tem Ashton opened the Public Hearing.

Eid Abdelnar was present. This was presented to the Planning & Zoning Board and the vote was unanimous at 4 to 0. This request meets all of the requirements.

At 8:06 p.m., Mayor Pro Tem Ashton closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED APPLICATION SUBMITTED BY EID ABDELNOUR FOR THE APPROVAL OF THE SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR THE OFF-PREMISE CONSUMPTION ONLY, PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED (ZONING CASE #SUP2019-0008).

**CM Chisholm moved, seconded by CM Claridge to approve Zoning Case #SUP2019-0008 for the sale of alcoholic beverages (beer & wine) for off-premise consumption only at 5001 River Oaks Blvd. All voted "Aye".**

**ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

13. CONSIDER APPROVAL OF ORDINANCE #1256-2019 GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF RIVER OAKS, TEXAS; PROVIDING FOR COMPENSATION.

This has been ongoing for several months. The draft from Oncor has been approved by our City Attorney. This is a 20 year agreement expiring in 2039.

**CM Chisholm moved, seconded by CM Holland to approve Ordinance #1256-2019. All voted "Aye".**

**STAFF REPORTS:**

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

The contractor came in and pulled Building and Electrical permits today but the permits will expire on December 10, 2019 because the order expires on December 6, 2019. This item is an update only.

15. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-windows installed & installing sheetrock.
- 4711 WHITE OAK-removed from substandard list.
- 1017 CHURCHILL-posted last week, no contact from owner.
- 1605 YALE ST-no potable water, posted last week, no contact from owner.
- 1701 YALE ST-no potable water, no contact from owner.
- 5217 BARBARA RD.-owner deceased, son trying to sell to investor.

- 1301 GREENBRIER-no potable water, has made contact, will bring back.

**OTHER ITEMS FOR DISCUSSION AND/OR ACTION:**

16. REQUEST FROM COUNCIL MEMBER JOHN CLARIDGE ON CIRCUMSTANCES PURSUANT TO ORDINANCE #831-2010 AS ADOPTED ON JANUARY 12, 2010 IN ORDER TO CANCEL A REGULAR COUNCIL MEETING.

This was sold to the citizens that there are only three incidents where we would cancel a council meeting. CM Claridge requests that cancellations of a council meeting be put on the consent agenda beforehand so it can be discussed. The only issue is that we may now know a couple of weeks before about a cancellation.

17. REQUEST FROM COUNCIL MEMBER JOHN CLARIDGE ON PROCESS TO MOVE SALES TAX MONIES FROM EDC TO GENERAL FUND.

Currently we give a portion of sales tax to the EDC and with the new 9 full time employees; we need to look at reallocating the funds to cover these costs. The issue with this is until the TIRZ monies are built up, we need to keep the sales tax going to the EDC.

18. CONSIDER APPROVAL TO RENEW AD IN THE FIRE DEPARTMENT'S 2020 CALENDAR WITH SOUTHERN PUBLISHING.

This is the same calendar as last year. The city paid for a \$500 ad last year that had our logo on it.

**CM Holland moved, seconded by CM Claridge to approve the ad renewal of the 2020 Fire Department calendar. All voted "Aye".**

19. 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.

CM Gregory presented a thank you letter from Renee Smith Faulkner; presented new hires in the Public Works and Police Department; presented a letter from Tarrant Appraisal District on their election; and a flyer from our Animal Control.

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

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

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

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

23. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.
24. **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
25. **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
26. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
27. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
28. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
29. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.
30. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
31. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

PWD Smith-December 3<sup>rd</sup> Town Hall Meeting is cancelled. EDC will hold a Special Meeting instead that night.

FC Shelley-in the process of updating their Mutual Aid Agreements. Sansom Park so far has met their obligations. Fort Worth helped us out on a call last week.

CM Claridge-on the map for December 10<sup>th</sup> by Neil Perry, there are several things on that map that is not correct. CM Gregory-the commercial corridor only will be on the December 10<sup>th</sup> meeting.

CM Holland-annual MPS last Saturday was a good turn out and raised \$24,000. Also verified the dates of events and meeting in December 2019.

CM Chisholm-went to COGG meeting about the 199 project and talked to a lady about blinking lights at Long & 183, Merritt & 183, and Ohio Garden & 183. She said she would get this in the correct hands. Also, talked with Fort Worth Council Member Dennis Shingleton about the sign.

**EXECUTIVE SESSION:**

32. 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:**

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


NONE

**ADJOURN:**

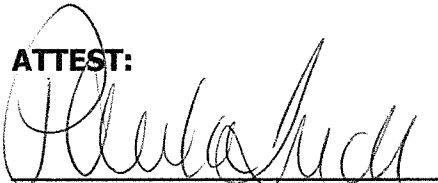
34. ADJOURN

**At 8:57 p.m., Mayor Pro Tem Ashton adjourned the meeting. All voted "Aye".**

**APPROVED:**

  
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Joe Ashton, Mayor Pro Tem

**ATTEST:**

  
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Paula Luck, City Secretary