

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 10, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
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
FIRE CAPTAIN GREG STOCKTON

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, December 10, 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. **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.

NONE

At 7:04 p.m., Mayor Earwood went into Executive Session under Sections 551.071, 551.072, 551.074 & 551.076.

At 7:37 p.m., Mayor Earwood reconvened into Regular Session.

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

NONE

6. **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 26, 2019 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 12, 2019 (FY 2020)
- C. RATIFY CITY SECRETARY APPROVAL BY ADOPTION OF RESOLUTION #994-2019 IN ORDER TO HOLD OUTDOOR SPECIAL EVENT "CHRISTMAS CELEBRATION" ON DECEMBER 7, 2019 AS REQUESTED BY THE RIVER OAKS EVENT CENTER

CM Holland moved, seconded by Mayor Pro Tem Ashton to approve the Consent Agenda items A-C. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

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.

Mickey Thomas with MJ Thomas Engineering was present. The current drainage ordinance is a basic ordinance that is only 4-5 pages. The new ordinance will be in more detail and will bring it into the 21st century. Will bring back more information on the adoption process at a later date. No action taken tonight.

9. CONSIDER APPROVAL TO AMEND THE JULY 24, 2018 SUBSTANDARD BUILDING ORDER ON 1605 MONTROSE DRIVE AS LAST AMENDED ON SEPTEMBER 10, 2019 FOR AN ADDITIONAL 90-DAYS AS REQUESTED BY DAVID COURTNEY.

David Courtney was present and presented the council with pictures. There has been some progress. Zach with Finishing Touches was present. The carport is removed, the interior is demolished, the foundation is complete, and permits have been pulled. It is recommended by BI Sanders to extend permits 89 days with no additional permit fees and with weekly checks.

Mayor Pro Tem Ashton moved, seconded by CM Houk to amend the July 24, 2018 Substandard Order on 1605 Montrose Drive that was most recently amended on September 10, 2019 to extend for an additional 89 days and that all current permits be extended to the end of the 89 days. All voted "Aye".

10. CONSIDER APPROVAL TO ENTER INTO FINANCING WITH GOVERNMENT CAPITAL WITH THE ADOPTION OF RESOLUTION #995-2019 FOR CAPITAL PURCHASING IN THE WATER FUND AND INCLUDING THE REMAINING BALANCE AFTER REIMBURSEMENT UNDER THE 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.

The city applied for grant funding to replace three garbage trucks and one street sweeper. On November 22, 2019 staff received notification and contracts for approved grant funding for two garbage trucks and one street sweeper. The 1998 Volvo was eligible for \$185,061.00 of grant funding; the 2005 International was eligible for \$105,919.00 of grant funding; and the 2008 International Street Sweeper was eligible for \$67,168.00 of grant funding. Staff recommends with \$67,168.00 being reimbursed for the sweeper and another \$290,980.00 for the garbage trucks to go with the seven year payment under Option #1 that is being presented and that would impact the General Fund \$81,457.73 at an interest rate of 3.29%. The Option #2 that is presented removes the street sweeper, the hydraulic tools and pumps.

CM Holland moved, seconded by CM Claridge to approve Option #1 for financing the two garbage trucks and street sweeper and to exclude the vacuum trailer, hydraulic tools and pumps. All voted "Aye".

11. RECONSIDER REQUEST AS RESCINDED BY THE CITY COUNCIL ON NOVEMBER 26, 2019 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.

Megan Dolph was present. Read a letter stating that 134 residents and customers were not opposed to the mural and pointed out that other businesses in River Oaks that have hand paintings and art on their building and is feeling harassed by the city. Also was pointed out that the south side of Fort Worth has art on their buildings. Mayor Pro Tem Ashton had asked for this item to come back before the council in which it was realized that the ordinance had been administered correctly by staff. Staff has been ordered to take no enforcement on the mural until a decision is made.

No action will be taken tonight until the ordinance can be more clarified.

12. CONSIDER APPROVAL OF WAIVER OF POTENTIAL CONFLICTS OF INTEREST INVOLVING THE INTERLOCAL AGREEMENT TO ESTABLISH A PARTNERSHIP FOR MUTUAL AID RESPONSE FOR FIRE SERVICES.

It has been advised that the City of Lake Worth and River Oaks are contemplating on entering into an interlocal agreement to establish partnership for the provision of automatic or mutual aid response for fire services. TOASE is retained by both cities.

CM Holland moved, seconded by CM Claridge to approve the waiver of potential conflicts of interest in the interlocal agreement. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING AMENDING REINVESTMENT ZONE NUMBER ONE, CITY OF RIVER OAKS BOUNDARIES AND ITS BENEFITS TO THE CITY OF RIVER OAKS AND TO PROVIDE A REASONABLE OPPORTUNITY FOR ANY OWNER OF PROPERTY WITHIN THE PROPOSED AMENDED ZONE TO PROTEST THE INCLUSION OF THEIR PROPERTY WITHIN THE PROPOSED AMENDED ZONE, WHICH CONTAINS APPROXIMATELY 152.97 ACRES AND IS PROPOSED TO BE AMENDED TO INCLUDE AN ADDITIONAL APPROXIMATE 3.94 ACRES GENERALLY LOCATED ALONG RIVER OAKS BLVD. AND BEING WHOLLY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS.

At 8:41 p.m., Mayor Earwood opened the Public Hearing.

Kirk McDaniel with Petty and Associates was present. A slide show was presented. There is an additional 3.94 acres added to the original boundaries. A citizen asked about what is the impact of this new amendment on existing businesses. This amendment is for guidance only and just enlarges the TIRZ area which does not affect the zoning.

At 8:57 p.m., Mayor Earwood closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1257-2019 AMENDING REINVESTMENT ZONE NUMBER ONE, CITY OF RIVER OAKS BOUNDARIES AND ITS BENEFITS TO THE CITY OF RIVER OAKS AND TO PROVIDE A REASONABLE OPPORTUNITY FOR ANY OWNER OF PROPERTY WITHIN THE PROPOSED AMENDED ZONE TO PROTEST THE INCLUSION OF THEIR PROPERTY WITHIN THE PROPOSED AMENDED ZONE, WHICH CONTAINS APPROXIMATELY 152.97 ACRES AND IS PROPOSED TO BE AMENDED TO INCLUDE AN ADDITIONAL APPROXIMATE 3.94 ACRES GENERALLY LOCATED ALONG RIVER OAKS BLVD. AND BEING WHOLLY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS.

CM Holland moved, seconded by CM Chisholm to approve Ordinance #1257-2019. All voted "Aye".

15. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING AMENDING THE CITY OF RIVER OAKS COMPREHENSIVE PLAN WITH THE FUTURE LAND USE MAP AS AMENDED (ZONING CASE #PZ 2019-0009) AND THE CITY OF RIVER OAKS MASTER THOROUGHFARE PLAN AS AMENDED (ZONING CASE #PZ 2019-0010).

Mayor Earwood opened the Public Hearing at 9:08 p.m.

This item was discussed under Item #13. The citizens did receive letters for amending the TIRZ zone. The Planning and Zoning Commission voted 5 to 0 to approve.

At 9:09 p.m., Mayor Earwood closed the Public Hearing.

16. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1258-2019 AMENDING THE CITY OF RIVER OAKS COMPREHENSIVE PLAN INCLUDING THE FUTURE LAND USE MAP AS AMENDED (ZONING CASE #PZ 2019-0009) AND THE CITY OF RIVER OAKS MASTER THOROUGHFARE PLAN AS AMENDED (ZONING CASE #PZ 2019-0010).

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1258-2019. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF RESOLUTION #996-2019 FOR ELECTION OF MEMBERS TO THE TARRANT APPRAISAL DISTRICT BOARD OF DIRECTORS.

Gary Losada was present and requesting a vote.

CM Holland moved, seconded by CM Chisholm to approve Resolution #996-2019 giving two votes to Gary Losada and one vote to Joe Potthoff. All voted "Aye".

18. CONSIDER APPROVAL OF RESOLUTION #997-2019 AUTHORIZING MJ THOMAS ENGINEERING TO RECOMMEND TO TARRANT COUNTY THE ACCEPTANCE OF THE QUALIFIED BIDDER ON THE 45TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) PROGRAM FOR THE CITY OF RIVER OAKS; AWARDING THE 45TH YEAR CDBG PROJECT AND PROVIDING A CITY PLEDGE TO THE PROJECT.

Mickey Thomas with MJ Thomas Engineering was present. It is recommended to approve the low bid of \$273,089.00 from Reliable Paving Inc. for the Byrd Street project which includes the 1400-1500 Block of Byrd Drive from Woodlawn to River Oaks Blvd.

CM Holland moved, seconded by CM Claridge to approve Resolution #997-2019. All voted "Aye".

19. CONSIDER APPROVAL OF ORDINANCE #1259-2019 AMENDING ARTICLE 3.12 "SIGNS" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED INCORPORATING SECTION 3.12.138 "MURAL SIGN" ESTABLISHING PROVISIONS FOR MURAL SIGNS.

Current ordinance reads no painting on any walls that exceeds 10 square feet. This item will be tabled to a later date to review the ordinance.

20. CONSIDER APPROVAL OF ORDINANCE #1260-2019 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES"; SPECIFICALLY IN SECTION A.02.001 "ESTABLISHED GENERALLY" SUBSECTION (e) CERTIFICATE OF OCCUPANCY OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED REVISING FEES FOR CERTIFICATE OF OCCUPANCY AND ELECTRIC CERTIFICATE OF OCCUPANCY INSPECTIONS.

This ordinance includes Electrical Certificate of Occupancy and the fees.

Mayor Pro Tem Ashton moved, seconded by CM Houk to approve Ordinance #1260-2019. All voted "Aye".

21. CONSIDER APPROVAL OF ORDINANCE #1261-2019 TRANSFERRING STORM WATER FUNDS FROM ACCOUNT #08-580-5322 "DRAINAGE MAINTENANCE" TO ACCOUNT #01-530-5448 "CDBG 45TH YEAR/CITY'S PORTION 2020" IN THE GENERAL FUND FOR DRAINAGE IMPROVEMENTS IN THE 1400-1500 BLOCKS OF BYRD DRIVE.

CM Houk moved, seconded by CM Chisholm to approve Ordinance #1261-2019. All voted "Aye".

STAFF REPORTS:

22. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-continuously working. Well sell house when done.
- 1017 CHURCHILL-bring back for order.
- 5217 BARBARA RD.- local investor had made contact with son to work out a deal.
- 1605 YALE ST-bring back for order.
- 1701 YALE ST-in contact with local investor.
- 1620 WOODLAWN-bring back at a later date.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

23. DISCUSSION AND/OR ACTION ON AMENDING SECTION 5.01(d) "HOLIDAYS DESIGNATED" OF THE EMPLOYEE PERSONNEL POLICY AS REQUESTED BY MAYOR PRO-TEM ASHTON.

Currently there are 9 city holidays and 2 personal holidays. Wants to look at adding more holidays to this list. Will have to re-look at this during budget time.

24. 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 ISO dropped from 5 to 9 but will work on getting that fixed by the end of January.

Currently looking over the deceased water information and updating.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

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

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

PWD Smith-Christmas Dinner this Friday night at 7 p.m.

CM Houk-712 Club Oak Open House this Saturday.

CM Chisholm-ROBA this Thursday at 6:30 p.m. and the Lions Club.

CM Gregory-Josephina's Mexican Restaurant is now open.

EXECUTIVE SESSION:

37. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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.

This item was done after Item #4.

RECONVENE:

38. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

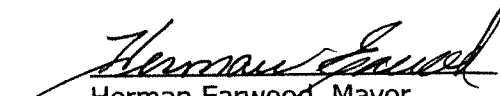
NONE

ADJOURN:

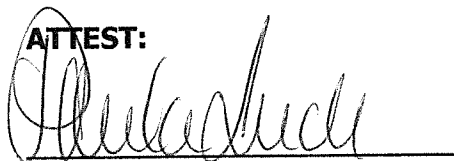
39. ADJOURN

At 10:04 p.m., Mayor Pro Tem Ashton moved, seconded by CM Houk to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary