

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 10, 2020**

MEMBERS PRESENT:

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

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
CITY ATTORNEY BETSY ELAM
FIRE CAPTAIN GREG STOCKTON
EVENT CENTER DIRECTOR SHIRLEY WHEAT

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, March 10, 2020 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.

At 7:05 p.m., Mayor Earwood went into Executive Session under Sections 551.071, 551.072 & 551.074.

At 7:30 p.m., Mayor Earwood reconvened into Open Session.

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to enter into an employment agreement with City Manager Gregory. All voted "Aye".

4. PUBLIC TESTIMONY: CITIZENS TO SPEAK ON ANY TOPIC OR ANY AGENDA ITEM BEFORE AN DURING THE MEETING BY RAISING YOUR HAND TO BE RECOGNIZED; 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, AND NO COUNCIL DELIBERATION IS PERMITTED FOR TOPICS NOT SPECIFICALLY LISTED ON THIS AGENDA.

NONE

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 FEBRUARY 22, 2020 COUNCIL WORK SESSION
- B. APPROVE MINUTES OF FEBRUARY 25, 2020 REGULAR COUNCIL MEETING
- C. APPROVE MINUTES OF MARCH 3, 2020 TOWN HALL MEETING
- D. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING MARCH 10, 2020 (FY 2020)
- E. APPROVE LYSA SPRING & FALL BASEBALL & SOFTBALL FIELD AGREEMENT (3RD YEAR OF 5-YEAR AGREEMENT) AS RECOMMENDED BY THE PARK BOARD.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve the Consent Agenda Items #A-E. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. CONSIDER APPROVAL OF REQUEST FROM JOSE CERVANTES REQUESTING A WAIVER TO THE ALCOHOLIC BEVERAGE DEPOSIT FEE FOR UPCOMING RENTAL AT THE RIVER OAKS EVENT CENTER FOR USE OF WINE ONLY FOR RELIGIOUS SACRAMENT.

Jose Cervantes was present. The request is for a religious ceremony involving sacrificial wine.

CM Holland moved, seconded by CM Claridge to approve waiving the alcoholic beverage deposit fee for wine only that will not be consumed. All voted "Aye".

9. CONSIDER APPROVAL OF REQUEST FROM MAVEN'S MOON AT 1111 ROBERTS CUT OFF ROAD TO OBTAIN A 6-MONTH SPECIAL EVENT PERMIT PURSUANT TO RESOLUTION #1010-2020 IN ORDER TO HOLD 6 OUTDOOR EVENTS MONTHLY OVER THE NEXT 6 MONTHS.

Megan Dolph was present. This was done last year with no issues with our Police Department. This is just to pass the Resolution.

CM Holland moved, seconded by Mayor Pro Tem Ashton to approve Resolution #1010-2020 with adding the July 4th date in the request. All voted "Aye".

10. CONSIDER APPROVAL OF RACIAL PROFILING REPORT AS PRESENTED BY POLICE CHIEF CHRISTOPHER SPIELDENNER.

PC Spieldenner presented the Racial Profiling Report which has been submitted to the state.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve the Racial Profiling Report as presented. All voted "Aye".

11. CONSIDER APPROVAL OF PROPOSAL FOR SHARED COST FOR DISPATCH SERVICES AND POLICE RESERVE TO CASTLEBERRY INDEPENDENT SCHOOL DISTRICT.

The agreed amount is \$25,000.00 which does not include court and the Fire Department attendance of football games. Any revenue that is collected on citations goes to the city because we provide a bailiff and a warrant officer.

CM Houk moved, seconded by CM Holland to approve the shared cost agreement with Castleberry Independent School District in the amount of \$25,000.00. All voted "Aye".

12. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT FOR FIRE SERVICES WITH THE CITY OF FORT WORTH.

The City Attorney has approved this.

CM Holland moved, seconded by CM Houk to approve the Interlocal Agreement with City of Fort Worth. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARING:

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1017 CHURCHILL ROAD.

At 7:46 p.m., Mayor Earwood opened the Public Hearing.

The new owner will attend the next Council Meeting. This Public Hearing will remain open until March 24, 2020.

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1017 CHURCHILL ROAD THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.

NONE

15. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 1701 YALE STREET.

At 7:48 p.m., Mayor Earwood opened the Public Hearing.

James Moody, owner was present. BI Sanders conducted a walk thru today of the property. Pictures were presented to the Council. The intent is to make this house livable and sell it. Owner is requesting 89 or 90 days to repair and is waiting on an estimate from a foundation company. A plan of action is needed within 30 days.

At 8:04 p.m., Mayor Earwood closed the Public Hearing.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 1701 YALE STREET THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.

CM Holland moved, seconded by CM Chisholm to find that the Building(s) located at 1701 Yale Street based on evidence presented at the hearing, is Substandard and: 1) that the conditions set forth in the Building Official's report exist to the extent that the life, health, property or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the building(s) is/are feasible of repair and therefore order the buildings to be repaired by the owner within 30 days and the Lienholder or Mortgagee to within an additional 30 days if the owner does not comply; and 3) order that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the Owner and the debris removed within 30 days or by the Lienholder or Mortgagee to within an additional 30 days if the Owner does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given. 4) Order that substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaled until all substandard fees are paid in full. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF ORDINANCE #1275-2020 AMENDING THE FY 2019-2020 OPERATIONAL BUDGET TRANSFERRING FUNDS FROM THE DEPOSIT HOLDING RESERVE FUND TO ACCOUNT #03-530-5357 "PURCHASE OF PROPERTY" IN THE ECONOMIC DEVELOPMENT CORPORATION FUND.

The closing on this property is scheduled for March 18, 2020. Since the loan we are seeking will not have transpired before the closing date, we would need to pay the amount out of our current funds and then reimburse once the loan is finalized. The funds are currently available in the EDC Texpool and bank account but we need sufficient funds available for daily

operations. The city auditor has approved us transferring \$100,000.00 from the Water Deposit Reserve Account into the EDC bank account but it has to be transferred back by the end of the fiscal year. CA Elam is requiring a 380 agreement between the City and EDC.

CM Holland moved, seconded by CM Houk to approve Ordinance #1275-2020 and to direct CM Gregory to enter into a 380 agreement with the City. All voted "Aye".

18. CONSIDER APPROVAL OF RESOLUTION #1011-2020 REPEALING THE FORMER RESOLUTION #1007-2020 AS ADOPTED ON FEBRUARY 25, 2020 THAT DESIGNATED DEPUTY POLICE CHIEF CHARLES STEWART INSTEAD OF THE CITY MANAGER AS THE GRANTEE'S AUTHORIZED OFFICIAL AND THEREBY WITH THE ADOPTION OF RESOLUTION #1011-2020 APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR FISCAL YEAR 2021 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

Deputy Police Chief Stewart was notified by the Office of the Governor, Criminal Justice Division that they wanted the Grantee's authorized official named in the Resolution submitting the grant for the hand held radios to be the City Manager and not the Deputy Police Chief.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Resolution #1011-2020. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

19. DISCUSSION AND/OR ACTION ON REQUEST FROM PUBLIC WORKS DIRECTOR GORDON SMITH FOR ROAD CONSTRUCTION AND ASPHALT OVERLAY OF ROBERTS CUT OFF ROAD FROM RIVER OAKS BLVD. SOUTH TO BLACKSTONE DRIVE.

During the 2020 budget workshops, a list of seven streets was presented to repair. Roberts Cut Off road from River Oaks Blvd to Blackstone was not included on this list. Due to cost in order to add Roberts Cut Off to the list, the list has been reduced from seven streets to four streets to repair. The city budgeted \$65,000.00. The cost for the four streets from the county will be \$182,904.00. There are funds available in the General Fund Reserves to cover the costs. PWD Smith will bring back both projects and the next meeting for approval.

20. DISCUSSION AND/OR ACTION ON UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, FUTURE NEEDS OF THE CITY, SCHEDULING OF COUNCIL WORK SESSIONS AND OTHER CITY MANAGER RECOMMENDATIONS.

Police Secretary Candi Mouton will be retiring on March 30, 2020. Luncheon will be March 31, 2020 at 12:00 noon in the garage area.

Census-all magnetic signs are ready and some are already on the city trucks.

There were 35 participants in the Crud Mobile.

Tires-in the past, the city has waived the charge for the city to pick up tires due to mosquito season. Council order will not be required for this. Just need to monitor addresses for excessive amounts of tires on the curb for pick up.

STAFF REPORTS:

21. UPDATE ON SUBSTANDARD PROPERTY AT 5217 BARBARA ROAD.

BI Sanders is satisfied with the progress. Plumbing and electrical rough in are complete.

CORRESPONDENCE:

22. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-was informed that when council goes into Executive Session, it shows on the live feed circles going around and around. Suggested either keeping the live feed on during that time or something to show they are in Executive Session.

CM Holland-keep an eye on potholes.

CM Houk-commend PWD Smith about a large pothole that was reported and staff responded quickly on site and fixed the pothole. Showed a new form that city employee Blythe Reaves created about the city services.

Mayor Pro Tem Ashton-thank you for Saturday on the Crud Mobile and Warrant Round Up.

CM Chisholm-ROBA this Thursday at the Lions Club at 6:30 p.m. The upcoming Easter Egg Hunt will be discussed.

EXECUTIVE SESSION:

23. 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.

This item was done after Item #3.

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

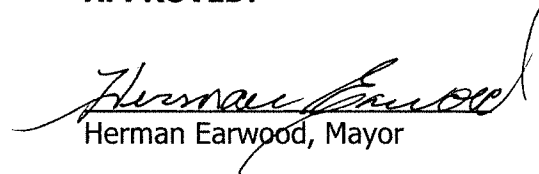
This item was done after Item #3.

ADJOURN:

25. ADJOURN

At 8:37 p.m., Mayor Earwood adjourned the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary