

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 12, 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 CHIEF RUSSELL SHELLEY

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, May 12, 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.

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 APRIL 28, 2020 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING MAY 12, 2020 (FY 2020)

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the Consent Agenda Items #A-B. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE SIGN VARIANCE REQUEST OF FRANKS REALTY INTERNATIONAL LLC IN ORDER TO INSTALL ATTACHED SIGNS IN VIOLATION OF SECTION 3.12.083 "ATTACHED SIGN" OF THE RIVER OAKS CODE AS AMENDED ON THE FOLLOWING OWNED BY FRANKS REALTY INTERNATIONAL LLC:

1) INSTALL A 75 SQUARE FOOT SIGN (ROOF MOUNTED) AT "JOSEFINAS" LOCATED ON THE LEASE SPACE AT 5404 RIVER OAKS BLVD. IN VIOLATION OF SECTION 3.12.083(d) IN THAT THE PROPOSED ATTACHED SIGN EXCEEDS THE REQUIRED 19.5 SQUARE FEET; AND

2) INSTALL A 25.88 SQUARE FOOT CIRCULAR SIGN (ROOF MOUNTED) AT "BOULEVARD BREW) LOCATED ON THE LEASE SPACE AT 5406 RIVER OAKS BLVD. IN VIOLATION OF SECTION 3.12.083(d) IN THAT THE PROPOSED ATTACHED SIGN EXCEEDS THE REQUIRED 19.5 SQUARE FEET; AND

3) INSTALL A SIGN (ROOF MOUNTED) "FRANKS REALTY INTERNATIONAL LLC" IN VIOLATION OF SECTION 3.12.083 (g) "ROOF SIGN LIMITATIONS" FOR THE PROPERTY DESCRIBED AS BEING BLOCK 1, LOT 12-14 OF THE WEST RIVER OAKS ADDITION (5404-5412 RIVER OAKS BLVD) IN THAT AN ATTACHED SIGN SHALL NOT EXCEED 48 INCHES ABOVE THE ROOFLINE OR TOP OF THE PARAPET WALL OF ANY BUILDING. (VA 312-2020-01)

At 7:06 p.m., Mayor Earwood opened the Public Hearing.

Kris Franks was present. This is three separate signs on the building at 5404-5412 River Oaks Blvd; one at Josephina's Mexican Restaurant at 5404 River Oaks Blvd which is over the 19.5 square feet, one at Boulevard Brew at 5406 River Oaks Blvd which is over the 19.5 square feet, and the third sign at Franks Realty which is on the pillar at 5406 River Oaks Blvd which is over the 48 inches. A sign variance was approved to install an electronic sign but was never installed. These new signs will be LED.

At 7:15 p.m., Mayor Earwood closed the Public Hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE SIGN VARIANCE REQUEST OF FRANKS REALTY INTERNATIONAL LLC IN ORDER TO INSTALL ATTACHED SIGNS IN VIOLATION OF SECTION 3.12.083 "ATTACHED SIGN" OF THE RIVER OAKS CODE AS AMENDED ON THE PROPERTY AT 5404-5412 RIVER OAKS BLVD. (CASE #VA 312-2020-01)

Mayor Pro Tem Ashton moved, seconded by CM Claridge to find that the sign variance request of Franks International LLC at 5404-5412 River Oaks Blvd that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed and that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article. Therefore, I move to grant a variance to the sign code in order for Kris Franks at 5404-5412 River Oaks Blvd to install three separate attached signs at follows: 1) install a 75 square foot sign (roof mounted) at Josefinas at 5404 River Oaks Blvd in violation of Section 3.12.083(d) in that the proposed attached sign exceeds the required 19.5 square feet; and 2) install a 25.88 square foot circular sign (roof mounted) at Boulevard Brew at 5406 River Oaks Blvd in violation of Section 3.12.083(d) in that the proposed attached sign exceeds the required 19.5 square feet; and 3) install a sign (roof mounted) at Franks Realty International LLC in violation of Section 3.12.083(g) "roof signs limitations" for the property at 5404-5412 River Oaks Blvd to be located on the brick pillar on the roof over 5406 River Oaks Blvd in that an attached sign shall not exceed 48 inches above the roofline or top of the parapet wall of any building (VA 312-2020-01); And for all three signs not to exceed 5' in height. All voted "Aye.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

10. CONSIDER APPROVAL OF REQUEST FROM ANDREW AND LISA FULD AT 1844 INSPIRATION LANE TO PURCHASE APPROXIMATELY 0.3221 ACRES OUT OF 7.956 ACRES OF CITY OWNED LAND RECORDED IN VOLUME 2449, PAGE 439 D.R.T.C.T. IN ORDER TO MAINTAIN THEIR PROPERTY'S NATURAL HABITAT AND PROVIDE ACCESS TO BACK OF PROPERTY.

Andrew and Lisa Fuld were present. The survey and appraisals were presented to the council. The purchase of the land was previously approved by the City Council, but was waiting on the appraisal and survey. The appraisal came back as un-building land appraising at \$2,800.00 which is noted that there is an 80% discount which comes to the \$2,800.00 appraisal amount. The City Council does not agree to the \$2,800.00. This property is appraised at .20 cents a square foot. The property the City Council just purchased from the City of Fort Worth which is also un-buildable appraised at \$3.00 a square foot.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to table this item to a later date.

11. CONSIDER APPROVAL OF REQUEST BY YOLIE RODRIGUEZ TO PERMIT PICTURES OF CHS SENIORS CLASS OF 2020 TO BE PLACED IN THE RIVER OAKS BLVD. HIGHWAY MEDIAN.

Yolie Rodriguez was not present. The location of these pictures will be on TXDOT property. It was suggested to put these pictures on the city sign outside of City Hall and have them set up to scroll. Council agreed to leave this up to the City Manager and Police Chief.

12. DISCUSSION, AND POSSIBLE ACTION, CONCERNING RE-OPENING CITY OWNED FACILITIES AT THE RIVER OAKS LIBRARY AND THE RIVER OAKS EVENT CENTER SUBJECT TO AUTHORITY GRANTED TO THE LOCAL GOVERNMENT IN THE GOVERNOR'S EXECUTIVE ORDER AS MODIFIED.

The Texas Governor gave authority to each entity, but has not lifted groups greater than ten. The problem with opening the Library now is the constant cleaning which we do not have the staff to be able to do this. Council has agreed to keep the Event Center and the Library closed, and to cancel the Car Show that is scheduled for May 30th and will re-evaluate on June 9, 2020. At that time, the fire work show will be evaluated as well.

13. DISCUSSION AND/OR ACTION REGARDING CONTINUING WITH THE SUSPENSION OF THE DISCONNECTION OF CITY UTILITIES DURING THE COVID-19 DISASTER.

We do not have to go with what the Public Utility Commission has decided. Council agreed to leave this up to the City Manager to decide.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE #1277-2020 AMENDING CHAPTER 8 "OFFENSES AND NUISANCES" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED INCORPORATING ARTICLE 8.08 "UNAUTHORIZED CAMPING" ABATING NUISANCES RELATED TO UNAUTHORIZED CAMPING ON PRIVATE PROPERTIES; IMPOSING A PENALTY FOR VIOLATION THEREOF.

There have been issues with homeless people camping out on residential and commercial properties without permission. This ordinance mirrors the City of Fort Worth.

CM Claridge moved, seconded Mayor Pro Tem Ashton to approve Ordinance #1277-2020. All voted "Aye".

15. CONSIDER APPROVAL OF ORDINANCE #1279-2020 AMENDING CHAPTER 8 "OFFENSES AND NUISANCES" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED INCORPORATING ARTICLE 8.09 "MISUSE OF PUBLIC TRANSPORTATION FACILITIES" ESTABLISHING PROHIBITIONS FOR MISUSE OF BUS STOP FACILITIES; IMPOSING A PENALTY FOR VIOLATION THEREOF.

This ordinance will move the homeless people out of the bus stops. The problem bus stop is by the QT.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1279-2020. All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1280-2020 AMENDING ARTICLE 6.07 "EMERGENCY MEDICAL SERVICES" (EMS) OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED REPEALING AND REPLACING THE CITY'S UNIFORM EMERGENCY MEDICAL SERVICES AS PREVIOUSLY ADOPTED ON JANUARY 24, 2017 WITH THE UPDATED UNIFORM EMERGENCY MEDICAL SERVICES ORDINANCE.

This is an ongoing update to the EMS ordinance. Some things have been added and the language has been cleaned up.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1280-2020 and Resolution #1017-2020 (item #17). All voted "Aye".

17. CONSIDER APPROVAL OF RESOLUTION #1017-2020 RESOLVING THAT THE CITY HAS JOINED WITH THE OTHER MEMBER JURISDICTIONS TO ADOPT THE RESTATED AND AMENDED INTERLOCAL COOPERATIVE AGREEMENT WITH THE AREA METROPOLITAN AMBULANCE AUTHORITY AS THE AGENCY TO ADMINISTER AND OPERATE A PREHOSPITAL EMERGENCY MEDICAL SERVICES, MOBILE INTEGRATED HEALTH, AND MEDICAL TRANSPORTATION SYSTEM WITHIN HE SERVICE AREA.

This item was approved with Item #16.

18. CONSIDER APPROVAL OF RESOLUTION #1018-2020 FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COSTS RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES.

This is a standard Resolution.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Resolution #1018-2020. All voted "Aye".

STAFF REPORTS:

19. UPDATE ON SUBSTANDARD PROPERTIES:

- 1017 CHURCHILL-building permit pulled.
- 1701 YALE ST.-actively working.
- 5217 BARBARA RD.-close to completing.
- 1605 YALE ST.-submitted plans today for renovation. No plan of action submitted.

20. UPDATE ON CASTLEBERRY HIGH SCHOOL GRADUATION PARADE.

The parade is scheduled for May 22, 2020 and there will be about 200 cars. Both Police Chiefs are working together to plan this out. The only issue would be social distancing.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

21. 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 RECOMMENDATIONS.

Staff has putting together all of the COVID-19 expenses and submitted them in to get funding. The Governor has approved a \$55.00 per capita that will be given down to the counties, then to the cities. This is for COVID-19 expenses only. The remainder of the funds will have to be returned to Tarrant County. River Oaks should receive about \$413,000.00.

CORRESPONDENCE:

22. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

EMC Myrick-reinforced that the city will not be able to keep all the funds that are not spent. The balance will have to be returned to the county.

CM Claridge-remember social distancing.

CM Holland-noticed Orand Nursery not abiding by the agreement and has large trees on the curb. Asked about how the opening of the business are going in which they are going smoothly.

Mayor Pro Tem Ashton-thanked staff and other elected officials.

CM Chisholm-asked if we discussed Item #13 which we did.

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

NONE

RECONVENE:

24. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

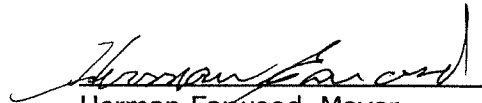
NONE

ADJOURN:

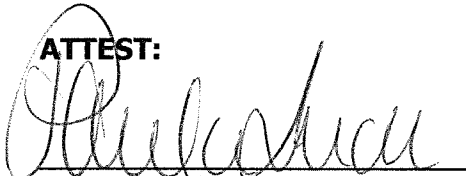
25. ADJOURN

At 8:54 p.m., CM Claridge moved, seconded by Mayor Pro Tem Ashton to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary