

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 26, 2020**

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

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 26, 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.

Citizen living at 5416 Thomas Lane was present. He thanked all during the COVID-19 crisis. He also vented his frustrations on this city for its decline. Mentioned this is a good opportunity right now to look around and see what the future of River Oaks will be like since business have to close because of the COVID-19. He suggested following a structured program like the YMCA and suggested something like the Turkey Trot to fund things in River Oaks. Mayor Earwood said this was a good speech but he does not have the facts correct. Mayor Pro Tem Ashton mentioned that this needs to be separated and Mayor Earwood suggested that he can sit in on budget meetings so he can get the facts correct.

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 MAY 12, 2020 SPECIAL COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING MAY 26, 2020 (FY 2020)
- C. APPROVE DELINQUENT PROPERTY TAX COLLECTION REPORT FOR JULY 2019-MARCH 2020 AS SUBMITTED BY LINEBARGER, GOGGAN, BLAIR & SAMSPON, LLC.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to approve the Consent Agenda items A-C with removal of Item #G. 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 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 appraiser that was hired changed the verbiage on the report. The City Council held an Executive Session earlier and decided to offer the Fuld's \$11,000 for the larger and smaller lot. The Fuld's mentioned that these lots are 1/2 of their driveway, 1/2 of their yard and 1/2 of their fire pit that all were already built when they bought the house. They had done everything the city has asked them to do. There is a piece of fence and also pipe used for drainage owned by the city on their property. The city is not asking the Fuld's to cease use of the city land. The concern is the value and that the appraisal is not correct. At that time, the Fuld's exited the meeting. Council directed CM Gregory to follow up with a letter to the Fuld's.

9. DISCUSSION AND/OR ACTION ON ENTERING INTO ATTORNEY-CLIENT FEE AGREEMENT WITH TELECOM LAW FIRM TO PROVIDE TRANSACTIONAL CONSULTATION SERVICES IN MATTERS RELATED TO THE GROUND LEASE AGREEMENT OF A 120-FOOT MONOPOLE LOCATED ON CITY PROPERTY DATED DECEMBER 10, 1996.

Council had agreed at a previous meeting to move forward in locating a consultant. With the City Attorney's guidance, Telecom Law Firm presented a fee agreement. This law firm does not represent the telecommunications companies. Telecom Law Firm also presented three options which do not have to be decided tonight.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to direct staff to move forward with a consultant and to work with a cap of \$5,000.00. All voted "Aye".

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

10. CONSIDER APPROVAL OF ORDINANCE #1281-2020 AMENDING THE 2019-2020 FISCAL YEAR BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff went thru the budget thru April 30, 2020. Was able to move a lot of the funds around but some funds were not able to be moved around. The Water Sewer Fund amendment is \$69,905.40 due to Fort Worth Water Purchases. The General Fund amendment is \$25,900.00 due to increased overtime in Building Inspections/Fire Marshal and unplanned expenditures in Animal Control for the vehicle and the new shelter. On the General Fund revenue side, 91% of property taxes have been collected and Fines and Fees are up. On the Water Sewer Fund, revenues are down by 6-10%. The Cares Act will help offset both funds.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to approve Ordinance #1281-2020. All voted "Aye".

11. CONSIDER APPROVAL OF ORDINANCE #1282-2020 AMENDING THE 2019-2020 FISCAL YEAR E.D.C. FUND BUDGET DUE TO AN UNPLANNED EXPENDITURE INCREASING THE BUDGET FOR PURCHASING REAL PROPERTY AT 920 ROBERTS CUT OFF ROAD.

This expenditure of 920 Roberts Cut Off Road happened right before the COVID-19 and we were unable to hold a meeting to cover this expenditure.

CM Chisholm moved, seconded by CM Holland to approve Ordinance #1282-2020. All voted "Aye".

12. CONSIDER APPROVAL OF ORDINANCE #1283-2020 AMENDING THE 2019-2020 FISCAL YEAR BUDGET AUTHORIZING EXPENDITURE FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR THE PURCHASE OF AWNING COVERS.

Requesting are two temporary awnings totaling \$160.00.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1283-2020. All voted "Aye".

STAFF REPORTS:

13. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-finished up.
- 1017 CHURCHILL-permits pulled.
- 5217 BARBARA RD. -finished up.
- 1605 YALE ST-permits pulled.
- 1701 YALE ST-actively working.
- 1620 WOODLAWN-actively working.
- 5501 BLACK OAK-under investigation.
- 5821 BLACK OAK-actively working.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

Full-time dispatcher has been hired and in training.

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

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

17. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

18. **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

19. **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

20. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

21. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

22. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX

23. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.

24. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

25. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

26. **CENSUS COMPLETE COUNT COMMITTEE REPORT** INCLUDING INFORMATION PROMOTING CENSUS AWARENESS IN THE COMMUNITY AND REFLECTING A TRUE SNAPSHOT OF COMMUNITY

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

27. 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.

CORRESPONDENCE:

28. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-staff is doing a good job.

CM Holland-agrees staff is doing a good job. Mentioned he has multiple computer monitors and if helps, he can do a thumb drive instead of paper copies of council packets if it helps. 2020 High School Senior parade was a success and saw social distancing being practiced.

Mayor Earwood-suggested maybe discontinue printing of department reports to save paper.

CM Chisholm-had meeting regarding sign at Inspiration Point and should start work in a week or so.

EXECUTIVE SESSION:

29. 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:

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

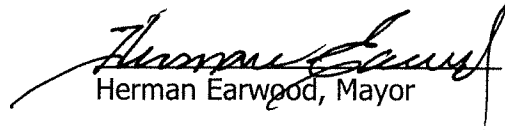
NONE

ADJOURN:

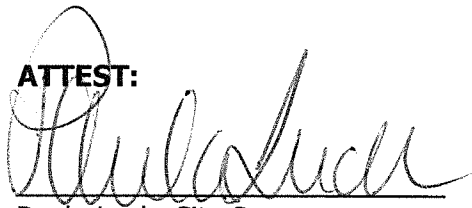
31. ADJOURN

At 7:55 p.m., CM Holland moved, seconded by CM Houk to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary