

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 23, 2019**

MEMBERS PRESENT:

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

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
ASST FIRE CHIEF SHELBY BROCK
FIRE CHIEF 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, July 23, 2019 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. 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 JULY 9, 2019 REGULAR COUNCIL MEETING

B. APPROVE CONTRACT WITH TARRANT COUNTY FIRE ALARM FOR EMERGENCY FIRE DISPATCH SERVICES

C. APPROVE FY 2019 CRIME CONTROL & PREVENTION DISTRICT 3RD QUARTER FINANCIAL REPORT (APRIL 1-JUNE 30, 2019)

- D. APPROVE FY 2019 STORM WATER FUND 3RD QUARTER FINANCIAL REPORT (APRIL 1-JUNE 30, 2019)
- E. APPROVE FY 2019 3RD QUARTER INVESTMENT REPORT (APRIL 1-JUNE 30, 2019)
- F. APPROVE BILLS PAYABLE FOR PERIOD ENDING JULY 23, 2019 (FY 2019)
- G. APPROVE RESIGNATION OF DAN GADDIS AS PLANNING & ZONING MEMBER, PLACE 2
- H. APPROVE RESIGNATION OF BECKY NEELY AS LIBRARY BOARD MEMBER, PLACE 2
- I. APPROVE APPOINTMENT OF J LYNN VANDIVER AS LIBRARY BOARD MEMBER, PLACE 2
- J. APPROVE MEMBER APPOINTMENT RECOMMENDATIONS FROM THE JULY 15, 2019 ANNUAL ORGANIZATIONAL MEETING OF THE PLANNING & ZONING COMMISSION

CM Chisholm moved, seconded by CM Holland to approve the Consent Agenda items A-J. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

7. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED PROPERTY RE-PLAT AS REQUESTED BY CISD INCORPORATING LOTS 1A1A & 1A1B, BLOCK E IN THE WESTSIDE ACRES ADDITION THAT IS LOCATED WITHIN THE CITY OF RIVER OAKS PURSUANT TO JOINT ORDINANCE AGREEMENT ADJUSTING THE BOUNDARY BETWEEN THE CITY OF FORT WORTH AND THE CITY OF RIVER OAKS ON DECEMBER 11, 2018 TOGETHER WITH BLOCK F, LOT 5 WESTSIDE ACRES, CREATING A SINGLE PLATTED LOT THAT ONCE RE-PLATTED WILL BE DESCRIBED AS BEING LOT 5R, BLOCK E, WESTSIDE ACRES ADDITION BEING APPROXIMATELY 1.28 ACRES OF LAND. (ZONING CASE #PZ 2019-0004)

At 7:05 p.m., Mayor Earwood opened the Public Hearing.

Lenny Lasher with CISD was present.

The bus barn is at 924 Churchill. CISD purchased the vacant lots at 920 & 922 Churchill and wants to re-plat all properties into one lot to concrete the lots for additional parking for buses, etc, and this area will all be fenced in. The Planning & Zoning Board voted to approve.

At 7:07 p.m., Mayor Earwood closed the Public Hearing.

8. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF PROPOSED RE-PLAT INCORPORATING LOTS 1A1A & 1A1B, BLOCK E IN THE WESTSIDE ACRES ADDITION THAT IS LOCATED WITHIN THE CITY OF RIVER OAKS PURSUANT TO JOINT ORDINANCE AGREEMENT ADJUSTING THE BOUNDARY BETWEEN THE CITY OF FORT WORTH AND THE CITY OF RIVER OAKS ON DECEMBER 11, 2018 TOGETHER WITH BLOCK F, LOT 5 WESTSIDE ACRES, CREATING A SINGLE PLATTED LOT THAT ONCE RE-PLATTED WILL BE DESCRIBED AS BEING LOT 5R, BLOCK E WESTSIDE ACRES ADDITION BEING APPROXIMATELY 1.28 ACRES OF LAND. (ZONING CASE #PZ 2019-0004)

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the re-plat of Lots 1A1A & 1A1B, Block E in the Westside Acres Addition with Lot 5, Block F in the Westside Acres Addition. All voted "Aye".

9. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED REZONING OF THE EXISTING RESIDENTIAL LOTS 1A1A & 1A1B, BLOCK E IN THE WESTSIDE ACRES ADDITION AT 920 & 922 CHURCHILL ROAD IN THE CITY OF FORT WORTH PRIOR TO THE BOUNDARY ADJUSTMENT TO NOW BE REZONED TO "CF" COMMUNITY FACILITIES ZONING DISTRICT IN THE CITY OF RIVER OAKS BY AMENDING RIVER OAKS ZONING ORDINANCE #1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #PZ 2019-0004)

At 7:09 p.m., Mayor Earwood opened the Public Hearing.

When these lots were in the City of Fort Worth, they were zoned as residential. Proposed is to rezone as "CF" Community Facility.

At 7:10 p.m., Mayor Earwood closed the Public Hearing.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1237-2019 REZONING EXISTING RESIDENTIAL LOTS 1A1A & 1A1B, BLOCK E IN THE WESTSIDE ACRES ADDITION AT 920 & 922 CHURCHILL ROAD PRIOR TO THE BOUNDARY ADJUSTMENT TO NOW BE REZONED TO "CF" COMMUNITY FACILITIES ZONING DISTRICT IN THE CITY OF RIVER OAKS BY AMENDING RIVER OAKS ZONING ORDINANCE #1158-2017 AS ADOPTED AND AS AMENDED.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1237-2019. All voted "Aye".

11. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON AMENDING THE CITY'S SUBDIVISION ORDINANCE IN CHAPTER 10 "SUBDIVISIONS" EXHIBIT A, SPECIFICALLY IN ARTICLE 36 "SHORT FORM PLAT" INCORPORATING SECTION 36-103 "APPROVAL OF CERTAIN PLATS", SECTION 36-104 "ELECTION TO APPROVE", AND SECTION 36-105 "REFUSAL TO APPROVE PLAT" AND ALSO IN ARTICLE 38 "AMENDING A PLAT" REVISING SECTION 38-100 CHANGING FROM CITY COUNCIL TO PUBLIC WORKS DIRECTOR AND INCORPORATING SECTION 38-103 "ELECTION TO APPROVE" AND SECTION 38-104 "REFUSAL TO APPROVE PLAT"; PROVIDING THAT THE PUBLIC WORKS DIRECTOR MAY APPROVE CERTAIN MINOR OR AMENDING PLATS.

At 7:11 p.m., Mayor Earwood opened the Public Hearing.

Instead of amending plats going before the City Council, the Public Works Director will have the ability to approve them. But re-plats will stay going before the City Council. Council would like to have a monthly report on what amending plats are being approved.

At 7:13 p.m., Mayor Earwood closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1238-2019 ON AMENDING CITY CITY'S SUBDIVISION ORDINANCE IN CHAPTER 10 "SUBDIVISIONS" EXHIBIT A, SPECIFICALLY IN ARTICLE 36 "SHORT FORM PLAT" INCORPORATING SECTION 36-103 "APPROVAL OF CERTAIN PLATS", SECTION 36-104 "ELECTION TO APPROVE", AND SECTION 36-105 "REFUSAL TO APPROVE PLAT" AND ALSO IN ARTICLE 38 "AMENDING A PLAT" REVISING SECTION 38-100 CHANGING FROM CITY COUNCIL TO PUBLIC WORKS DIRECTOR AND INCORPORATING SECTION 38-103 "ELECTION TO APPROVE" AND SECTION 38-104 "REFUSAL TO APPROVE PLAT"; PROVIDING THAT THE PUBLIC WORKS DIRECTOR MAY APPROVE CERTAIN MINOR OR AMENDING PLATS.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1238-2019. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

13. DISCUSSION AND/OR ACTION ON ADOPTING ORDINANCE #1239-2019 AMENDING THE RIVER OAKS CODE OF ORDINANCE IN CONFORMANCE WITH THE CITY CHARTER AS AMENDED CHANGING TO CITY MANAGER/CITY COUNCIL FORM OF GOVERNMENT.

City Attorney Betsy Elam passed out a summary of what is currently being worked on. Still need to meet with CM Gregory and CS Luck. There are some things that need to change and some that needs to stay the same; and will hope to have all of the changes done by the next council meeting. Unable to send the entire Code of Ordinances out electronically but will provide a summary to the Council. This item will be passed on to a later date.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF RESOLUTION #973-2019 AMENDING THE EMPLOYEE PERSONNEL POLICY IN SECTION 4.03(b) "COMPENSATORY LEAVE", SECTION 5.05(c) "EMPLOYEE'S OPTION", ARTICLE VII "DISCIPLINE, APPEAL AND GRIEVANCES PROCEDURES" AND FURTHER AMENDING THE EMPLOYEE PERSONNEL POLICY IN CONFORMANCE WITH THE CITY CHARTER AS AMENDED CHANGING TO CITY MANAGER/CITY COUNCIL FORM OF GOVERNMENT.

This Resolution changes everything in the Personnel Manual over to the City Manager instead of the Mayor. Comp hours will be increased to 140 regular time hours/210 over time hours. This has been requested by two Department Heads but will be for all full time employees.

Currently for Workers Compensation, Workers Compensation only pays for 70% of your salary when an employee is out for eight consecutive days. The remaining 30% is taken out of their time on the books if the employee requests that to be done. This new policy will add a section about Wage Continuation Program which that the city will pay the 30% difference so the employee will not have to use their time on the books. But this sets a time limit of 90 days.

The money is already budgeted so there is no budget impact. After the 90 day limit, the employee can use their time on the books for the difference if they choose to.

All appeals will go to the City Manager instead of the Mayor. The City Manager will have to appoint a Personnel Director.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Resolution #973-2019 with the stated addition that the City Manager will appoint a Personnel Director. All voted "Aye".

STAFF REPORTS:

15. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-active permit and is working on house.
- 1605 MONTROSE-Public Hearing at next Council Meeting.
- 4711 WHITE OAK-actively working on house.
- 1017 CHURCHILL-attempt to substandard.

16. 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.

Property Taxes are due in on July 25th, 2019. A Special Council Meeting may have to be called. One employee resigned in Public Works and the Police Chief hired Ron Hanson as a Crossing Guard. CM Gregory and CS Luck attended the required Public Investment Training last week. Sales Tax Report is enclosed.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

CM Holland questioned the annual fire inspections. BI Sanders performs the inspections and it depends on how many during a month inspections are done. The month of December, normally no inspections are done. FC Stockton explained Clint William's position as Fire Marshal and also explained the uncovered shifts listed in the report. FC Stockton also explained that the system only allowed adding one apparatus to the report on a call. This has been fixed and moving forward all apparatuses will be reported. In the process of going back on previous reports and getting the correct numbers.

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

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

21. **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

22. **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

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

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

CM Holland-mentioned there has been some positive and negative outcomes money wise. There are three more events remaining for the year. Event Center Wheat mentioned the upcoming event has been completely paid for and will remain in the black. CS Gregory mentioned the event in December 2018 which no report was given was a free event but had an expenditure of the performer.

Event Center Wheat-mentioned that many of times, she has asked the council what they want them to do to bring people into the city. Seems like now being in the black or red is a huge issue. Mentioned how much monies have has been spent on past EDC Coordinators and nothing has gotten accomplished. CM Holland responded with if they do not look at the numbers, then we don't know what to try and fix.

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

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

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

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

PUBLIC FORUM:

29. CITY COUNCIL INVITES 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. **NO COUNCIL DELIBERATION IS PERMITTED**

EXECUTIVE SESSION:

30. 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. **Police Department Personnel, Fire Chief and Fire Department Appointments.**
- d. Section 551.076 Deliberation regarding security devices.

At 8:09 p.m., Mayor Earwood went into Executive Session under Sections 551.071, 551.072, 551.074 & 551.076.

At 10:30 p.m., Mayor Earwood reconvened back into Regular Session.

RECONVENE:

31. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

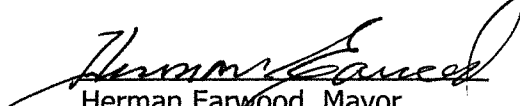
NONE

ADJOURN:


32. ADJOURN

At 10:38 p.m. CM Holland moved, seconded by CM Claridge, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary