

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 22, 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
FIRE CHIEF RUSSELL SHELLEY
CITY ATTORNEY BRADLEY ANDERLEE
EVENT CENTER DIRECTOR SHIRLEY BLOOMFIELD
EVENT CENTER DIRECTOR SHIRLEY WHEAT
UTILITY BILLING COORDINATOR BLYTHE REAVES

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, September 22, 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. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

NONE

5. 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.

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 SEPTEMBER 8, 2020 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 22, 2020 (FY 2020)
- C. APPROVE OF MUTUAL AID AGREEMENT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1

CM Chisholm moved, seconded by CM Holland to approve the consent Agenda items A-C. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 AGREEMENT WITH KYOCERA DOCUMENT SOLUTIONS AS PRESENTED BY KORY HARMAN REVISING AND UPGRADING CURRENT COPIER AGREEMENT WITH KYOCERA DOCUMENT SOLUTIONS SOUTHWEST.

Kory Harman was present. The Library copier will be eliminated, City Hall will get a new machine, Police Department will get a new machine and the Community Center machine will keep their machine and will be covered under maintenance. The savings proposed is \$272.00 a month. Property tax is charged but at a city rate. Normally this is included in the lease payment. Bidding the copiers was done less than two years ago and the savings then from Minolta to Kyocera was about \$20,000.00. This purchase is off the Tarrant County Contract.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the revised copier agreement with Kyocera Document Solutions Southwest. All voted "Aye".

9. CONSIDER APPROVAL OF THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH FOR THE DESIGN CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION BY RIVER OAKS AND FUNDING BY FORT WORTH REGARDING THE MEANDERING ROAD IMPROVEMENT PROJECT.

This interlocal agreement which the City of Fort Worth Council approved this morning is for the design, construction and right-of-way acquisition and funding by the City of Fort Worth regarding the Meandering Road Improvement Project. The City of Fort Worth will take the lead of this project. River Oaks will submit monthly invoices to Fort Worth for reimbursement of the acquisition right-of-way. If the road is shifted, it will require amendments to the agreements. There is nothing in this agreement about the road being shifted. River Oaks will make the final decision on the design and there has been no changes to the design since this was last presented to the council.

CM Holland moved, seconded by CM Chisholm to approve the Interlocal Agreement with the City of Fort Worth. CM Holland, CM Chisholm and Mayor Pro Tem Ashton voted "Aye". CM Claridge voted "Nay". CM Houk abstained from voting. Motion passed.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

10. CONSIDER APPROVAL OF ORDINANCE #1292-2020 AMENDING ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY IN SECTION 13.02.032 "DELINQUENT CHARGES" AND SECTION 13.02.033 "PAYMENT ARRANGEMENTS".

Utility Billing Coordinator Blythe Reaves was present. The changes presented is making the due date the same every month on water bills, the due date is by 5 p.m. that day instead of 6 a.m. the next day, proposing a 20 day time frame on payment arrangements instead of no time frame, and if paying by mail the bill is still due even if they do not receive the bill due to the postal service not delivering the bills.

These changes will be in effect at the next billing cycle. It was brought up about possibly sending bills out electronically, but we have checked into this before and it is not cost prohibited.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1292-2020. All voted "Aye".

11. CONSIDER APPROVAL OF RESOLUTION #1027-2020 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING.

Darwin Whinfield with Atmos was present. A settlement of \$90 million has been reached. The average residential customer will increase to \$5.15 a month and the average commercial customer will increase to \$15.48 a month. This will be in effect on December 1, 2020.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Resolution #1027-2020. All voted "Aye".

12. CONSIDER APPROVAL OF RESOLUTION #1028-2020 PROVIDING THE CITIZEN OPPORTUNITY TO DONATE \$1 ON THE WATER BILL TO BE DIVIDED EQUALLY BETWEEN THE FIRE DEPARTMENT, COMMUNITY CENTER, PARKS AND RECREATION AND ANIMAL CONTROL.

Proposing because the Library is closing, to have the Animal Control collect the Library's portion.

CM Claridge moved, seconded by CM Chisholm to approve Resolution #1028-2020. All voted "Aye".

STAFF REPORTS:

13. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1017 CHURCHILL-actively working.
- 1605 YALE ST-actively working.
- 1701 YALE ST-actively working.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

14. DISCUSSION AND/OR ACTION ON PARTICIPATING WITH TARRANT COUNTY IN THE EVENT IT BECOMES NECESSARY TO PERFORM AERIAL SPRAYING FOR MOSQUITOS.

Tarrant County wants this approved in case we must do aerial spraying.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to approve aerial spraying for mosquitos if needed. All voted "Aye".

15. DISCUSSION AND/OR ACTION ON PLAN TO PROVIDE PUBLIC COMPUTER ACCESS AT THE COMMUNITY CENTER.

The plan is to move four computers from the Library to the Event Center so the public can have access to a computer. A separate WIFI will be set up. A volunteer will be monitoring the usage and signs will be posted to not to use computers in a wrongful way. CM Gregory will be in contact with CISD to see if we can use their WIFI since filters are already in place.

No action needed.

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.

One Police Officer is resigning and there are four new hires in Public Works. There is one CDL position open in the Street Department. Churchill Road will be closed from White Oak to Barbara Road effective this week for four weeks. This closure will affect the homecoming parade and parents getting their kids to school.

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.

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

Clothes are continuing to be donated to the clothes closet. The clothes closet has been moved to the front porch and a lot of people are showing up.

Concern from Shirley Wheat about how on social media it is being posted that on election day a lot of bad things will happen in the suburbs. PC Spieldenner suggested everyone to protect their own property.

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

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

Still unable to get a hold of the man in charge of this. Signs are still on city vehicles. The Census has been going door to door for about a month but are numbers are still low. A lot has to do with demographics and people not answering the door.

CORRESPONDENCE:

30. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-it was posted by Robert Brown on social media about an issue with the garbage truck. Also, what is the law on people driving golf carts in the community.

CM Houk-regarding the golf carts, can not get a license for a golf cart unless it is in a gated community or within one mile of a golf course if the city agrees but they are only to go 40 mph or less on city streets and cannot drive on a state highway but can cross a state highway. There is a new state law that side-by-side atv's are legal.

Mayor Earwood-asked PWD Smith about the drainage issue behind Nish. The City Engineer is in the process of getting something to us. The residents are being updated on the status of this. On October 10, 2020, there will be car show at the Event Center with no concessions, masks will be required, social distancing will be done, and cars will be spaced out.

EXECUTIVE SESSION:

31. 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:

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

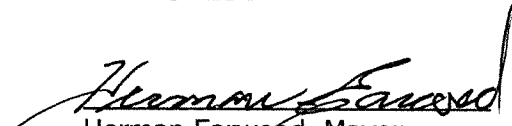
NONE

ADJOURN:

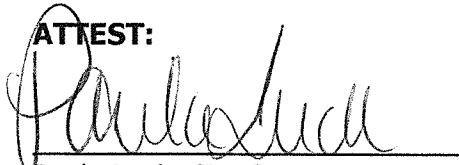
33. ADJOURN

At 8:15 p.m., Mayor Pro Tem Ashton moved, seconded by CM Claridge to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary