

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 28, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE ASHTON
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
EDC CONSULTANT PAUL PAINE
COMMUNITY 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, May 28, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

CM 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 MAY 14, 2019 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING MAY 28, 2019 (FY 2019)
- C. APPROVE CERTIFICATION PAY AGREEMENT WITH JUAN GONZALEZ FOR BILINGUAL CERTIFICATION

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF RESOLUTION #968-2019 FOR SPECIAL EVENT PERMITTING TO HOLD CHARITY CAR TRUCK & BIKE SHOW ON JUNE 2, 2019 AS REQUESTED BY CASTLEBERRY ATHLETIC BOOSTER CLUB.

Dean Kuhn with the Castleberry Athletic Booster Club was present. This is the first car show which is for June 2, 2019 from 1-5 p.m. at W.O. Barnes Stadium at 215 Churchill. This car show is open to the public and concessions will be open.

Mayor Pro Tem Holland moved, seconded by CM Ashton to approve Resolution #968-2019. All voted "Aye".

8. CONSIDER APPROVAL OF BOND AMOUNT PURSUANT TO SECTION 4.05 OF THE CITY CHARTER AS AMENDED REQUIRING A SUFFICIENT SURETY COMPANY BOND CONDITIONED FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF CITY MANAGER.

The current bond is at \$50,000.00 which costs the city \$200 annually.

CM Ashton moved, seconded by CM Chisholm to leave the bond amount as is at \$50,000.00. All voted "Aye".

9. DISCUSSION AND/OR ACTION ON ROLE OF MAYOR APPOINTED COMMITTEES MOVING FORWARD DUE TO TRANSITION TO CITY MANAGER NOT OTHERWISE SUBJECT TO ARTICLE 1.04 "BOARDS AND COMMISSIONS" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED.

These are Mayor appointed committees. The Planning Committee, Finance Committee, and Energy Work Group Committee are not covered under an Ordinance. Council agrees to leave the committees as is this year. The Finance Committee will remain in place but will not meet for pre-budget meetings like done in the past. The Finance Committee will be available if the City Manager has questions.

10. DISCUSSION AND/OR ACTION ON OTHER CHANGES WITH THE TRANSITION TO CITY MANAGER AS PRESENTED BY THE CITY ATTORNEY.

CA Elam updated the council on the transition. Currently the Code of Ordinances is being reviewed on the City Manager and City Secretary roles and will bring the Code of Ordinances back the end of June with the changes for approval.

11. DISCUSSION AND/OR ACTION ON AMENDING THE EVENT CENTER RENTAL POLICIES AND PROCEDURES REGARDING RENTALS.

There is nothing in writing stating if the rental goes way over the time limit and the renter does not clean the facility and the deposit does not cover the cost of the going over the time limit and the cleanup fees. The monitor, unless it is Shirley Wheat or Shirley Bloomfield, does not have access to the safe if the renter at the time of the rental wants to pay extra money to cover the overage and cleanup costs.

Council agreed to have City Manager Gregory, Shirley Wheat and CA Elam to come up with a policy.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

12. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY PURSUANT TO SECTION 370.002 OF THE TEXAS LOCAL GOVERNMENT CODE READOPTING THE CITY'S JUVENILE CURFEW ORDINANCE THAT EXPIRED ON APRIL 26, 2019.

At 7:51 p.m., Mayor Earwood opened the Public Hearing.

This is a very useful Ordinance and needs to be kept to have the ability to police the kids. The curfew hours are 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. the following day; 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and 8:30 a.m. until 3:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

At 7:54 p.m., Mayor Earwood closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1232-2019 PURSUANT TO SECTION 370.002 OF THE TEXAS LOCAL GOVERNMENT CODE READOPTING THE CITY'S JUVENILE CURFEW ORDINANCE EXPIRING ON APRIL 26, 2019.

CM Butler moved, seconded by Mayor Pro Tem Holland to approve Ordinance #1232-2019. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE #1233-2019 AMENDING THE FY 2019 BUDGET IN ORDER TO EXPEND FUNDS FROM THE WATER FUND FOR PRINCIPAL SERIES 2017 B.

The figures we had when we approved the budget were \$190,000 for the principal. We received the bill recently and the principal was \$225,000 which is correct according to the schedule.

Mayor Pro Tem Holland moved, seconded by CM Butler to approve Ordinance #1233-2019. All voted "Aye".

15. CONSIDER APPROVAL OF ORDINANCE #1234-2019 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES"; SPECIFICALLY IN SECTION A.02.001 "ESTABLISHED GENERALLY" SUBSECTION (b) BUILDING PERMIT FEES PURSUANT TO HOUSE BILL 852 EFFECTIVE MAY 21, 2019 THAT PROHIBITS CERTAIN VALUE-BASED BUILDING PERMIT FEES IN CONNECTION WITH THE CONSTRUCTION OR IMPROVEMENT OF RESIDENTIAL DWELLINGS; SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY", SECTION A.02.003 "ELECTRICAL CONTRACTOR REGISTRATION" AND SECTION A.02.004 "FIRE PERMITS GENERALLY" OF THE CODE OF ORDINANCES OF THE CITY OF RIVER OAKS, TEXAS.

House Bill 852 was signed May 21, 2019 with effective date immediately to base building permit fees on square footage instead of estimated valuations. The revenue source should remain about the same.

CM Ashton moved, seconded by CM Chisholm to approve Ordinance #1234-2019. All voted "Aye".

STAFF REPORTS:

16. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-new owner whom has been assisting previous owner on getting remaining belongings out of house.
- 1605 MONTROSE-bring back on June 11th for Public Hearing.
- 4709 WHITE OAK-new owner, paid substandard fee, active building permit.

17. 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.

There are two new hires to report: Gary Peyton as a Street Equipment Operator and Janet Phillips as a Library Administrative Assistant.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

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

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

22. **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

23. **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

Crews are getting closer to River Oaks Blvd. The intersection of Churchill and Ohio Garden is complete. Remaining is the intersection of Churchill and River Oaks Blvd. About to start on Green Oaks Drive which the side entrances will be blocked off. Excel 4 wants to speed up the process by bringing in another crew. Roberts Cut Off from Barbara to River Oaks Blvd is about to be closed this week. Public notices went out and city staff was not aware of the notices.

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

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

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

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

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

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

PUBLIC FORUM:

30. 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**

City Manager Gregory-did not receive mail today so we are extending the water cutoff's until the mail is received and payments are posted.

CM Holland-noticed there were some Public Works employees working Monday. PWD Smith said the only workers were the sanitation department and some temp workers that were helping out with brush removal with supervision from the WTP employees.

Paul Paine-pleased with the progress. Hwy 183 should be in total construction in 2-3 years.

CM Holland-shared story of Steve Sanders noticing a tree fell at a residence and he notified the owner, Oncor, etc. Need to put out communications to citizens about what is going on in the city; maybe a newsletter. Sales Tax Revenues increased over the last several years.

CM Ashton-congratulated CS Luck on being appointed City Secretary. Car Show is June 15, 2019.

EXECUTIVE SESSION:

31. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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

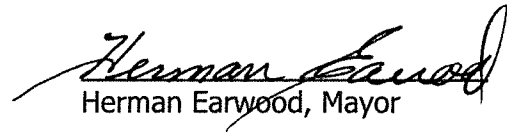
NONE

ADJOURN:

33. ADJOURN

**At 8:40 p.m. CM Ashton moved, seconded by CM Chisholm, to adjourn the meeting.
All voted "Aye".**

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary