

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
February 23, 2016**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
EMC COORDINATOR JAMES MYRICK
FIRE CHIEF RUSSELL SHELLEY
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
CODE ENFORCEMENT OFFICER JUSTIN WOODALL
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

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, February 23, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Holland delivered the Invocation.

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

Mayor Pro Tem Holland led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

Mayor Earwood read a proclamation declaring April 2016 as River Oaks Clean Up Month.

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. MINUTES OF FEBRUARY 9, 2016 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 23, 2016 (FY 2016)
- C. RATIFY CONTRACT WITH TXU SETTING THE ELECTRIC COMMODITY CHARGES FOR CITY FACILITIES THROUGH FEBRUARY 2021
- D. RATIFY CONTRACT WITH EXTREME PYROTECHNICS LLC FOR FIREWORKS DISPLAY DURING THE ANNUAL ALL AMERICAN FESTIVAL FOR THE NEXT 3-YEARS AT \$5,300 ANNUALLY

CM Butler moved, seconded by CM Scott, to approve the consent agenda items A through D. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 REQUEST BY ROSS VAUGHAN FOR AN EXTENSION OF THE PERMIT TO UPGRADE THE ELECTRICAL AT **1709 MELBA CT.**

Ross Vaughan, 1709 Melba, requested another 60-day extension due to other financial obligations. BI Sanders supported the extension.

CM Ashton moved, seconded by CM Gordon, per staff request to approve the request for an extension to upgrade the electrical at 1709 Melba Court for 60 days. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON REQUEST SUBMITTED BY SHARON GONZALEZ FOR THE CONSTRUCTION OF SIDEWALKS ON HARRISDALE, STEVENS AND CHURCHILL INCLUDING IRMA MARSH MIDDLE SCHOOL AND CASTLEBERRY HIGH SCHOOL

The requestor was not present.

Mayor Earwood stated that the area along Churchill from the Trinity Baptist Church parking lot to Doyle Drive will be considered for a sidewalk if determined treacherous by PC Carter.

No action was taken.

9. CONSIDER APPROVAL TO AMEND THE OCTOBER 27, 2015 BOARD ORDERS ON SUBSTANDARD PROPERTY AT **4829 KESSLER RD.** THAT EXPIRED WITHOUT COMPLIANCE ON JANUARY 25, 2016

Reid Satori, representative for the Owner – Window Rock, requested 60-days to bring the property into compliance. BI Sanders reported that workers were stopped today and told to obtain permits. Mayor Earwood suggested that a plan of action be presented to and approved by CS Gregory prior to the issuance of any permits. CA Elam requested that the order be amended to include the correct record owner as indicated by Mr. Satori.

Mayor Pro Tem Holland moved, seconded by CM Butler, to extend the order 60-days as requested contingent on CS Gregory approval of a plan of action and to change the name to Window Rock. All voted "Aye."

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

10. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5514 RIVER OAKS BLVD. (FAMILY DOLLAR STORE # 3127) FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. **(ZONING CASE # PZ 2016-01)**

At 7:16 p.m. the public hearing was opened.

Legal counsel for Family Dollar was present and requested the requirement for a screening fence be waived since Family Dollar does not own the property and has no authority to construct a fence.

Tommy Miller, District Manager for Family Dollar, presented pictures of the area behind the Family Dollar store stating that there is no feasible location to construct a fence. Mr. Miller stated that all deliveries of beer and wine will go through the front entrance of the store. The attorney for Family Dollar confirmed that alcoholic beverages would take up 1-2 coolers and would remain at less than 30% of total sales.

At 7:25 p.m. the public hearing was closed.

11. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE APPLICATION FOR A SPECIFIC USE PERMIT AT 5514 RIVER OAKS BLVD. (FAMILY DOLLAR STORE # 3127) FOR SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. **(ZONING CASE # PZ 2016-01)**

CM Ashton moved, seconded by CM Butler, to approve the application for a specific use permit at 5514 River Oaks Boulevard Family Dollar Store #3127 for the sale of alcoholic beverages – beer and wine – in accordance with Section 23A.G.3.J for off-premise consumption pursuant to Zoning Ordinance 1060-2015 as adopted and as amended with the provision to waive the fence requirement and to look at revising that requirement in the future. CM Butler, CM Scott, CM Ashton and CM Gordon voted "Aye." Mayor Pro Tem Holland voted "Nay." Motion passed.

12. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO REPLATTING 1.111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION, AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY, TEXAS INTO 6 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-02)**

At 7:28 p.m. the public hearing was opened.

CS Gregory presented the recommendation of the Planning and Zoning Commission to approve the request with the recommendation that the Right-of-Ways be plotted on the plats.

Mayor Pro Tem Holland mentioned special setback provisions for corner properties and requested Mr. Istook take that into consideration. Mr. Istook confirmed he could build on the corner lot and comply with the setback requirements.

At 7:42 p.m. the public hearing was closed.

13. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED REPLAT REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO REPLAT 1.111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION, AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY, TEXAS INTO 6 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-02)**

CM Gordon moved, seconded by CM Ashton, to approve the proposed re-plat request, Zoning Case 2016-02. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF **ORDINANCE #1097-2016** AMENDING THE FY 2016 GENERAL FUND BUDGET BY EXPENDING COMMUNITY CENTER DOLLAR DONATIONS TO INSTALL 245-FEET OF BLACK CHAIN LINK FENCING ON COMMUNITY CENTER PROPERTY

No discussion occurred.

Cm Butler moved, seconded by CM Gordon, to approve Ordinance #1097-2016 to install 245 feet of chain link fencing and to remove 390 picket finials and replace with caps on the Community Center property. All voted "Aye."

15. CONSIDER APPROVAL OF **ORDINANCE #1098-2016** AMENDING THE FY 2016 GENERAL FUND BUDGET BY EXPENDING COURT TECHNOLOGY FUNDS TO UPGRADE TO A 100 MEGA BIT DOWN LOAD INTERNET CONNECTION

No discussion occurred.

CM Gordon moved, seconded by CM Ashton, to approve Ordinance #1098-2016 amending the fiscal year 2016 general fund budget for internet connection. All voted "Aye."

STAFF REPORTS:

16. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on the following properties:

- 604 FRONTIER – This property is due to go for tax sale on April 5, 2016. CS Gregory will insure that signs are placed on the property with the sale information.

- 5008 SHERWOOD – CA Elam has drafted the agreement and provided it to the realtor. The agreement allows until March 1, 2016 for agreement and asks for \$5,000 to cover legal fees and liens.
- 603 HARRISDALE
- 4900 ALMENA RD.
- 5312 TAYLOR RD.
- 1213 CAMBRIDGE
- 4717 ALMENA RD. – Council order expired 2/10/2016. The electrical permit was finalized today and they should have an approved C/O by the next council meeting.
- 1204 HARVARD
- 901 CHURCHILL
- 4829 KESSLER
- 5905 BLACK OAK
- 5909 BLACK OAK
- 1202 BANKS
- 1709 MELBA
- 619 HARRISDALE – Council allowed 90 days to repair which expires 5/9/2016. The substandard fee has been paid and they have an active building permit.
- 1203 YALE – The building official order expires February 24, 2016. Staff will contact them this week.
- 1605 NANCY LANE – New owner has an active building permit and has paid the substandard fee.
- 5411 PURDUE – CS Gregory has requested an updated title search for this property to be presented to the council.
- 5511 AMHERST

- 5513 AMHERST
- 1123 YALE – A title search has been requested.
- 1505 GREENBRIER – The Building Official order expires August 3, 2016 with 30-day progress checks.
- 606 WORTHVIEW – The Building Official order expired January 31, 2016. CS Gregory has requested an updated title search to present this property to the council.
- 5600 TAYLOR (Accessory Building) – the Building Official order expires 3/17/2017.

No action was taken.

17. STAFF REPORT ON THE ANNUAL REPORT FILED WITH TCEQ UNDER MS4 STORM WATER PERMIT # TXR040146

CS Gregory reported that the annual report has been filed and is eligible for four annual renewals.

No action was taken.

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

18. DISCUSSION AND/OR ACTION ON SCHEDULING A COUNCIL WORKSESSION FOR STRATEGIC PLANNING AND BUDGETING

A workshop will be held on March 19, 2016 at 8:00 a.m.

No formal action was taken.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

PC Carter announced that the department has received two grants – one for handheld radios and one for body cameras.

PC Carter stated that the new Tahoe has been ordered.

No action was taken.

20. **FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

FC Shelley reported the call volume is down.

FC Shelley gave an update on a recent live burn event. FC Shelley reported event cost of approximately \$340 and provided training for 69 people from 4 agencies.

FC Shelley reported that the utility truck has sold and has been taken out of service. The compressor system is to be installed next Monday.

FC Shelley stated that the department has recently received 3 grants -- a forestry worker's compensation grant, a training materials grant, and a fitness equipment grant.

No action was taken.

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

No discussion occurred.

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

No discussion occurred.

23. **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**

No discussion occurred.

24. **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**

No discussion occurred.

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

No discussion occurred.

26. **COMMUNITY CENTER ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES**

No discussion occurred.

27. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX

No discussion occurred.

28. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS

No discussion occurred.

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

No discussion occurred.

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

EMC Myrick requested that tires could be put out for pickup beginning March 1 in an attempt to get a head start on mosquito control.

No action was taken.

PUBLIC FORUM:

31. 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**

Dan Chisholm stated that the developers for the new construction on White Settlement are interested in River Oaks.

Mayor Earwood commented that the roof of the former What-a-burger has been removed and the remodel to transform it into Chicken Express has begun.

CM Butler stated that she believes in River Oaks and encourages her family to move into the city.

Mayor Pro Tem Holland mentioned an impromptu parade for his daughter's arrival home.

FC Shelley responded to an inquiry, stating that the new fire truck is in cue for manufacturing which should begin next month.

PC Carter mentioned the virtual shooter training on March 18 and 19, 2016.

Cecilia Thompson and her son, 5140 Crown Road, expressed concern that the skate park is closing. They started a petition and collected signatures, mostly from middle school students. Mayor Earwood explained that the skate park was temporarily closed due to some safety concerns but it is back open.

James Myrick stated that FEMA will be performing a test on March 20 that may send an alert to mobile phones.

CS Gregory reported that StreetCred has produced significant revenue since taking over the warrant collections.

CS Gregory responded to an inquiry, stating that the Community Center report is being re-formatted.

EXECUTIVE SESSION:

32. 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 called for.

RECONVENE:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

34. ADJOURN

At 8:27 p.m. CM Gordon moved, seconded by CM Ashton, to adjourn the meeting. All voted "Aye".

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Herman Earwood, Mayor