

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 24, 2017**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
ASST CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHRIS SPIELDENNER  
CITY ATTORNEY BETSY ELAM  
EMERGENCY MGT JAMES MYRICK  
WTP OPERATOR JOHN PAUL JONES  
BATTALION CHIEF JEFFREY STOW

**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, October 24, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

**At this time, Mayor Earwood skipped to Item #28 EDC report:**

28. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT.

Council Member Ashton mentioned a new business in River Oaks: Boulevard Scoops which is an ice cream place.

**Item #24 Public Works report:**

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

Bill Lohrke was present. On October 12, 2017 an outline was presented to the state of the water & sewer system. There will be three different projects with three different start dates. A tentative schedule has been sent to the state. 80% of the sewer plans are complete and submitted to the state. 50% of all the water plans are complete. We have contracted with

Thomas Engineering to do the storm sewer. We are coordinating with the City of Fort Worth for the water line replacement on Churchill Rd. The sewer and water plans will be given to the city this Friday. Payments from the city made to the contractors have to be made within 20 days of the invoice. May have to contact the state senator for help on getting the plans approved by the state quicker. Phase One will not affect the schools in regards to traffic, but Phase Two will affect the school traffic. Once plans are received back from TWDB, a schedule will be provided to the council. As far as the Water Treatment Plant, we have received the shop submittals.

**At this time, Mayor Earwood skipped to Item #13, 14 & 15:**

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 32A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

At 7:17 pm, Mayor Earwood opened the Public Hearing.

Mayor Earwood started off stating that no other school district in the state has this. A child can do their homework at home and parents not worry about going to other sites.

Renee Faulkner, Assistant Superintendent of Technology Services with CISD presented a slide show. All students from 5<sup>th</sup> grade to 12<sup>th</sup> grade have devices they take home that are checked out from the school. Some of the 4<sup>th</sup> graders and younger have them also. A survey was sent out and parents concern was not having a safe or secure online access. The strength is at school, students do have access to technology. The growth is to have students access to the internet and equipment at home.

Jacob Bowser, Director of Technology Operations at CISD followed up and continued the slide show presentation. Options were explored: M&A LTE Solution, AT&T LTE Hotspot Solution, and Kajeet Smart Spot Solution. Pros and cons were looked at on each and it was decided to go with the M&A LTE Solution because it has faster connection speeds, least expensive solution, can rent out space to help with the costs, and the location covers 98% of River Oaks. This will not affect the property values. This will also not affect the Military Base. Proper FAA studies have been completed. The tower will be 150' and an additional 3' for antennas to start out with. This tower will be 16' into the ground and have a 4' x 6' rectangular foundation next to the tower that will have equipment on it. Phase 1, which is tonight's presentation, is at Castleberry Elementary, Phase 2 will be at Joy James Elementary, and Phase 3 will be at the Technology Building off of Churchill Rd.

A concern was will this tower interfere with the city's towers that are used for Police and Fire Departments; which it will not interfere. It is possible they will not have to go higher than 150' unless the city police department needs to add antennas to the top. Currently there are about 2,900 devices out assigned to students. Without this tower, 85% of students do not have internet access at home. Logins are given to students and parents will not have a login. Once logged in, the student will be restricted on the sites they can go to. As far as the red light at the top of tower, FAA said a light is not required. CM Chisholm, who attends the RCC meetings,

said in talking to the base commander, he was under the impression there needs to be a light at the top of the tower for safety reasons. Jacob Bowser said the original plan was to have a 6' chain security fence around the tower. The Planning and Zoning Board requested to have the fence made out of masonry, to have a light on the top for security and a generator in case the electricity goes out. The pegs on the tower that will be used for climbing start at 30'. The tower once completed will be added to radar maps. The tower next to Orand's Nursery is a taller tower and does not have a light at the top.

Allen Small with CISD and a resident across the street of the proposed tower site said other school districts want to do this but they cannot. This opportunity may not exist 20 years from now.

At 7:56 pm, Mayor Earwood closed the Public Hearing.

EMC and Planning & Zoning Chairman Myrick said the generator is for security reasons. Batteries do not last long when the power goes out. The light has no connection to the generator. The prime landing zone is the parking lot. The light is for safety. This has been mentioned at several RCC meetings. As far as the screening, he feels the chain fence would not stop people from climbing it. Police Chief Spieldenner recommends a chain fence for visual purposes so they can see if anyone is on the inside or other side of the fence.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RECOMMENDATION OF THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECITON 23A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

**CM Scott moved, seconded by CM Holland to approve Case #PZ SUP 2017-0002 with the stipulation in regards to the warning light on top of the tower that it be required only with written confirmation from the Base Commander. All voted "Aye".**

15. CONSIDER APPROVAL TO WAIVE OR REDUCE CONSTRUCTION PERMIT FEES ON THE TELECOMMUNICATIONS TOWER INSTALLATION AT 1100 ROBERTS CUT OFF RD. AS REQUESTED BY CASTLEBERRY INDEPENDENT SCHOOL DISTRICT.

Anything in the past in regards to the school, the permit fees have been waived. Each project the school does needs to be looked at individually. The permit fees would be \$1,585.00 for the tower construction.

**CM Chisholm moved, seconded by CM Scott to approve waving the permit fees on the telecommunications tower. All voted "Aye".**

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

MUNICIPAL COURT WEEK NOVEMBER 6<sup>TH</sup>-10<sup>TH</sup>, 2017

CS Gregory announced that the municipal court will be having a stand with brochures in the lobby to get the word out.

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 OCTOBER 10, 2017 REGULAR CALLED MEETING
- B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING SEPTEMBER 30, 2017 (FY 2017)
- C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING OCTOBER 24, 2017 (FY 2018)

**Mayor Pro Tem Ashton moved, seconded by CM Butler 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 PRICE INCREASE REQUEST FOR COMMERCIAL GARBAGE COLLECTION FROM WASTE CONNECTIONS AS PRESENTED BY NORMAN BULAICH.

Norm Bulaich was present. The last increase was in November 2014. Per contract, they can request a landfill disposal adjustment due to an increase in disposal costs. The increase requested is 3% which will go into effect on November 1, 2017. Recycling costs have really increased. CS Gregory said this increase was already predicted when budgeting and was included in the 2017-2018 budgets.

**CM Holland moved, seconded by CM Scott to approve the 3% price increase on commercial garbage collection. All voted "Aye".**

8. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 5601 TAYLOR ROAD DATED SEPTEMBER 12, 2017 UNDER NEW OWNERSHIP.

CS Gregory stated when the new owner went to close, they found out one of the heirs listed had charges against them. These charges will need to be taken care of before closing can be done. Predict within 15-30 days the closing will be done.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to amend the September 12, 2017 Substandard Building Order to 30 days. All voted "Aye".**

9. CONSIDER APPROVAL OF ORDINANCE #1170-2017 ABANDONING THE RIGHT OF WAY IN THE N. CARROLL SURVEY, A-264 CITY OF RIVER OAKS, AND TARRANT COUNTY, TEXAS.

Albert Hughes was present. He recently purchased the property at 5400 River Oaks Blvd and is planning on building a new 4,500 square foot two story commercial building on the lot that would include his Jujitsu business on the upper floor and leasable spaces on the first level to lease out. He plans on breaking ground in January 2018 with completion date around May 2018. The right of way is needed for extra parking. CS Gregory said the city needs to keep 12' to maintain the utilities. CA Elam said this will not have to go out for bid and doesn't have to be sold for fair market value. Needs to be re-platted and the city will possibly need to recoup the costs involved.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1170-2017 abandoning the right of way but maintaining the necessary utilities and with the City Attorneys satisfaction as well as that all costs the city is out that the city is repaid these costs and that this property will be re-platted. All vote "Aye".**

10. CONSIDER APPROVAL OF FY 18 STREET IMPROVEMENT PROJECT WITH TARRANT COUNTY PRECINCT 4 AS PRESENTED BY PWD GORDON SMITH.

PWD Smith presented to the Council two projects selected by staff for council consideration: Roberts Cut Off Rd (from Skyline to Baylor) and Byrd Street (from River Oaks Blvd to Shenna Blvd). The city participates annually in the Tarrant County road assistance program which allows participating cities to repair or rehab roads at materials costs. In FY 2017, the city did not participate. Staff is recommending Roberts Cut Off Rd from Skyline to Baylor as the priority and Byrd Street as a backup.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the recommendation from staff of the FY 18 Street Improvement Project with Tarrant County. All voted "Aye".**

11. DISCUSSION AND/OR ACTION ON RENOVATING THE WATER TREATMENT PLANT OPERATOR HOUSE.

The City historically provided on-site housing to one of its water operators for security and quick response to address and problems. For the last six years, John Gibbs and his family have lived in the house. Mrs. Tina Gibbs and family have continued to live in the house since John's

passing this past June. Mrs. Gibbs and family have recently moved out and city staff has removed the remaining debris and inspected the property. The house is in need of an upgrade but is structurally sound. Staff recommends keeping an operator on site and recommend upgrading the house. WTP Operator James Hatley has expressed an interest in living at the house. The current value with Texas Municipal League is approximately \$73,000.

**CM Scott moved, seconded by CM Butler to approve the renovating at the WTP house. All voted "Aye".**

12. CONSIDER APPROVAL OF 2017 CITY HOLIDAY SCHEDULE.

Thanksgiving: City offices closed Thursday, November 23<sup>rd</sup> and Friday, November 24<sup>th</sup> with no garbage service on Thursday and regular garbage service on Friday.

Christmas: City offices closed Monday, December 25<sup>th</sup> and Tuesday, December 26<sup>th</sup> with no garbage service on Monday and regular garbage service on Tuesday.

New Year's: City offices closed Monday, January 1<sup>st</sup> with no garbage service on Monday.

Council wants the holiday schedule brought to them during budget time.

**CM Butler moved, seconded by CM Scott to approve the 2017 City Holiday Schedule. All voted "Aye".**

**PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:**

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 32A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

**This item was moved to after Item #3.**

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RECOMMENDATION OF THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 23A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

**This item was moved to after Item #3.**

**OTHER ITEMS REQUIRING POSSIBLE COUNCIL ACTION:**

15. CONSIDER APPROVAL TO WAIVE OR REDUCE CONSTRUCTION PERMIT FEES ON THE TELECOMMUNICATIONS TOWER INSTALLATION AT 1100 ROBERTS CUT OFF RD. AS REQUESTED BY CASTLEBERRY INDEPENDENT SCHOOL DISTRICT.

**This item was moved to after Item #3.**

**ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

16. CONSIDER APPROVAL OF ORDINANCE #1168-2017 AMENDING THE 2017-2018 FISCAL YEAR BUDGET FROM MINERAL LEASES DEPOSITED IN THE GENERAL FUND IN ORDER TO EXPAND THE GENERAL FUND OPERATIONAL BUDGET FOR THE UNPLANNED EXPENDITURE TO CONSTRUCT A SIDEWALK IN THE PUBLIC RIGHT OF WAY ON CHURCHILL RD. FROM STEVENS TO DOYLE.

PWD Smith is recommending the main proposal of 500 block of Churchill Road from Stevens to Doyle. Six companies submitted proposals and is recommending Tejas Construction in the amount of \$19,062.00. This proposal includes barricades, replacing sod and addressing the elevated areas with retaining walls as needed.

**Mayor Pro Tem Ashton moved, seconded by CM Butler to approve Ordinance #1168-2017 to accept the proposal from Tejas Construction in the amount of \$19,062.00 and to amend the budget. All voted "Aye".**

17. CONSIDER APPROVAL OF ORDINANCE #1169-2017 AMENDING THE 2017-2018 FISCAL YEAR WATER FUND BUDGET FOR THE EMERGENCY PIPEBURSTING OF THE MAIN SEWER LINE IN THE 600 BLOCK OF SCHIEME.

**Mayor Pro Tem Ashton moved, seconded by CM Butler to approve Ordinance #1169-2017. All voted "Aye".**

**STAFF REPORTS:**

18. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1101 OXFORD-bring back for Public Hearing
- 5601 TAYLOR RD-brought to council tonight
- 1202 BANKS-current building permit, weekly checks
- 1617 HILLSIDE-bring back for Public Hearing
- 5411 PURDUE-letter sent
- 606 WORTHVIEW- foreclosure-working with them on liens
- 4605 BYRD DR.- demolished, finaled

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

19. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, REPSONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.
20. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.
21. **INPSECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.
22. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.
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
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

**This item was moved to after Item #3.**

25. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
26. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
27. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
28. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT.

**This item was moved to after Item #3.**

29. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
30. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING



**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**

Battalion Chief Jeffrey Stow said Chief Brown has met with all firemen.

PWD Gregory said the Municipal Court had Saturday court and brought in \$2,548.20.

CM Butler thanked the school for the CCDAC breakfast.

CM Chisholm said there is someone that may attend the EDC meeting next month on development on the boulevard. West Tarrant Alliance for EDC will meet November 2<sup>nd</sup>, 2017 at 11:45 am at Russell Hall in Sansom Park. In regards to Crystal Springs, the architect said the water board has finally approved all plans.

**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 compliant or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

**NONE**

**RECONVENE:**

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

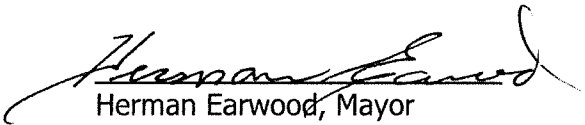
**NONE**

**ADJOURN:**

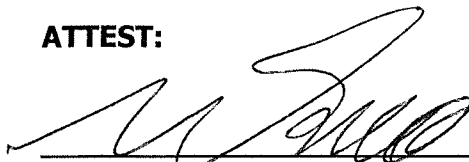
34. ADJOURN

**At 9:24 p.m. CM Holland moved, seconded by CM Scott, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary