

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 12, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER DARREN HOUK

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
EMERGENCY MGT JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
PWD GORDON SMITH
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
CITY ATTORNEY BETSY ELAM
ASST FIRE CHIEF SHELBY BROCK

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Herman Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, February 12, 2019 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:

-PROCLAIMING APRIL 2019 AS RIVER OAKS CLEAN UP MONTH

CS Gregory announced that the Crud Mobile will be at City Hall on March 23rd, 2019 from 9am-11am. There also will be paper shredding and possibly electronic recycling. Tires will not be taken on this day but will be picked up the whole month of April.

Mayor Earwood read a Proclamation designating April 2019 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. APPROVE MINUTES OF JANUARY 22, 2019 REGULAR CALLED MEETING

B. APPROVE MINUTES OF JANUARY 29, 2019 SPECIAL CALLED MEETING

- C. APPROVE MINUTES FROM THE FEBRUARY 5, 2019 TOWN HALL MEETING
- D. APPROVE PARK BOARD RECOMMENDATION TO APPOINT JOKSAN HOLGUIN PLACE 5 MEMBER AND BOB JAMISON AS ALTERNATE MEMBER #1 TO THE PARK BOARD
- E. RATIFY AGREEMENT WITH NEVILL DOCUMENT SOLUTIONS FOR COPIER LEASE IN FIRE DEPARTMENT
- F. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 12, 2019 (FY 2019)
- G. RATIFY PARK BOARD RECOMMENDATION APPROVING THE 2019 LIONS YOUTH SPORTS ASSOCIATION (LYSA) BALLFIELD AGREEMENT AS REVISED
- H. APPROVE MUTUAL AID AGREEMENT FOR FIRE CHIEF'S WITH THE TARRANT COUNTY FIRE MARSHAL'S OFFICE

CM Ashton asked everyone to remember Fire Chief's Stockton's family due to a death in the family. CM Chisholm questioned Item #E the Fire Department copy machine.

CM Butler moved, seconded by CM Ashton to approve the Consent Agenda Items #A-H. 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:

At this time, Mayor Earwood skipped to Item #12.

A committee was formed which included the Police Chief because the Community Center Directors were having problems with people sneaking alcoholic beverages in by disguise or keeping them in their cars in the parking lot and there is no repercussion if people are found with alcoholic beverages. After much discussion, it was decided to allow alcoholic beverages but there will be two police officers plus a monitor at the rental. The police officers will have to be approved by the Police Chief. The rental deposit for alcoholic beverages will be \$500 plus \$40 an hour per officer per hour with a four hour minimum. The payment to the police officers will be paid directly to them at the beginning of the rental by the person renting the center. If no payment is made, the rental is cancelled. Also, council approval will not be required for alcoholic beverage rentals.

In the draft, the rental fees have changed. For non-residents the rental fee is \$100 per hour and a River Oaks resident rental fee is \$80 an hour with proof of residency with verbiage stating the River Oaks resident has to be on-premises at all times. The rental deposit has increased to \$300 and able to rent the main room and kitchen only. The other rooms will be removed.

Council agreed to have one policy instead of two policies for all rentals (which includes verbiage relating to employees). Also to add Police Reserves as able to rent under the employee policy.

No action taken.

7. CONSIDER APPROVAL OF REQUEST BY LORENDA STEPP TO WAIVE ALCOHOLIC BEVERAGE PROHIBITION IN ORDER TO HAVE ALCOHOLIC BEVERAGES AT HER WEDDING IN THE COMMUNITY CENTER ON OCTOBER 19, 2019.

No one was present and no action taken.

8. CONSIDER APPROVAL TO AWARD CONTRACT FOR TEXAS WATER DEVELOPMENT BOARD PROJECT CWSRF #73749, PHASE II SEWER IMPROVEMENTS AS RECOMMENDED BY THE PROJECT ENGINEER, FROM ALL BIDS RECEIVED AND OPENED AT 1:00 P.M. ON JANUARY 25, 2019 IN THE RIVER OAKS COUNCIL CHAMBERS.

Staff recommended rejecting all bids, to revise bid specs on the footage since more work was done in Phase I, and to rebid.

CM Ashton moved, seconded by CM Chisholm to reject all bids, to re-calculate the footage and to re-bid. All voted "Aye".

9. CONSIDER APPROVAL TO AWARD CONTRACT FOR BYRD STREET PAVING IMPROVEMENTS PROJECT #619-012 AS RECOMMENDED BY THE PROJECT ENGINEER, FROM ALL BIDS RECEIVED AND OPENED AT 11:00 A.M. ON FEBRUARY 8, 2019 IN THE RIVER OAKS COUNCIL CHAMBERS.

Michael Thomas of MJ Thomas Engineering was present. The low bid was Reliable Paving in the amount of \$137,174.40. This project is for curbs, gutters and driveway approaches for 4400-4600 Byrd Drive. The road will be in the CDBG project which has been accepted. Reliable Paving can start immediately with an estimated time frame of completion 60-90 days.

CM Ashton moved, seconded by CM Butler to award the Byrd Street Paving Improvement Project to Reliable Paving in the amount of \$137,174.40. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

10. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE APPLICATION SUBMITTED BY THE JACKSON LIVING TRUST AMENDING THE EXISTING PROPERTY PLAT PURSUANT TO SECTION 212.016 "AMENDING PLAT" OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 10 "SUBDIVISIONS" OF THE RIVER OAKS CODE DESCRIBED AS BEING BLOCK 1, LOT 11 OTHERWISE KNOWN AS 5237 PARK DRIVE VACATING 16.67 FEET BY 2.4 FEET OF THE 10 FOOT UTILITY EASEMENT ALONG THE SOUTH PROPERTY LINE PURSUANT TO ORDINANCE #1145-2017 THAT PERMITS A 7 ½ FOOT SECOND SIDE YARD SETBACK ONLY FOR THE PROPERTY LOCATED IN BLOCK 1, LOT 11 OF THE PARK ADDITION. (ZONING CASE #PZ 2019-0001).

At 8:06 p.m., Mayor Earwood opened the Public Hearing.

The request is to amend the preceding plat without vacation of the plat in order to correct an error in a course or distance shown on the preceding plat described as being Block 1, Lot 11 in the Park Addition by moving the south property line 2.4 feet. There is a 10 foot utility easement that has now been vacated by all four utility companies. The Planning & Zoning Commission has approved this request for council recommendation.

At 8:09 p.m., Mayor Earwood closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION SUBMITTED BY THE JACKSON LIVING TRUST AMENDING THE EXISTING PROPERTY PLAT PURSUANT TO SECTION 212.016 "AMENDING PLAT" OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 10 "SUBDIVISIONS" OF THE RIVER OAKS CODE DESCRIBED AS BEING BLOCK 1, LOT 11 OTHERWISE KNOWN AS 5237 PARK DRIVE VACATING 16.67 FEET BY 2.4 FEET OF THE 10 FOOT UTILITY EASEMENT ALONG THE SOUTH PROPERTY LINE PURSUANT TO ORDINANCE #1145-2017 THAT PERMITS A 7 ½ FOOT SECOND SIDE YARD SETBACK ONLY FOR THE PROPERTY LOCATED IN BLOCK 1, LOT 11 OF THE PARK ADDITION. (ZONING CASE #PZ 2019-001).

Mayor Pro Tem Holland moved, seconded by CM Ashton to approve the request to amend the plat at 5237 Park Drive. All voted "Aye".

OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:

12. CONSIDER APPROVAL OF AMENDING THE COMMUNITY CENTER RENTAL POLICIES AND PROCEDURES REVISING THE RENTAL APPLICATIONS, ESTABLISHING RENTAL FEES AND REQUIRING SECURITY MONITORS FOR CERTAIN RENTALS WITH SPECIAL COUNCIL APPROVAL TO SERVE ALCOHOLIC BEVERAGES.

This item was discussed earlier after Item #6.

13. CONSIDER APPROVAL TO PURCHASE A NEW I.D. CARD PRINTER, DESIGN SOFTWARE AND DIGITAL CAMERA.

The current machine does not have the capability of meeting all requirements by the state. The Fire Department and Police Department will be splitting the cost. This machine is for the Police and Fire ID badges only.

CM Ashton moved, seconded by CM Houk to approve purchasing a new ID card printer, software and digital camera. All voted "Aye".

14. DISCUSSION AND/OR ACTION ON APPROVAL OF DEVELOPMENT CONSULTING AGREEMENT AS RECOMMENDED BY EDC AT THE FEBRUARY 11, 2019 MEETING WITH PETTY & ASSOCIATES PROVIDING ECONOMIC DEVELOPMENT SERVICES INVOLVING STRATEGIES FOR NEEDS ASSESSMENT, LAND USE PLANNING AND CORRIDOR COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT.

Last night, EDC approved the request for council recommendation. Petty & Associates wants to go before the community several times to find out what their needs and wants are.

Mayor Pro Tem Holland moved, seconded by CM Butler to approve the agreement with Petty & Associates. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1219-2019 CLARIFYING THE SIGN CHAPTER'S MESSAGE SUBSTITUTION LANGUAGE; AMENDING THE LANGUAGE OF SECTION 3.12.135 REGARDING POLITICAL SIGNS TO MAKE CONSISTENT WITH STATE LAW.

This Ordinance makes sure all reads correctly in regards to political signage. If this Ordinance is passed, then the city can enforce political signs.

Mayor Pro Tem Holland moved, seconded by CM Houk to approve Ordinance #1219-2019. Mayor Pro Tem Holland, CM Houk, CM Butler and CM Chisholm voted "Aye". CM Ashton voted "Nay". Motion passed.

16. CONSIDER APPROVAL OF RESOLUTION #955-2019 PURSUANT TO SECTION 19E "OUTSIDE SPECIAL EVENTS PERMITTING" OF THE CITY'S COMPREHENSIVE ZONING ORDINANCE AUTHORIZING AN OUTSIDE SPECIAL EVENT "CRUD MOBILE" TO BE PERMITTED IN THE RIVER OAKS CITY COMPLEX PARKING LOT AT 4900 RIVER OAKS BLVD ON MARCH 23, 2019.

CM Chisholm moved, seconded by CM Butler to approve Resolution #955-2019. All voted "Aye".

17. CONSIDER APPROVAL OF RESOLUTION #956-2019 PURSUANT TO SECTION 19E "OUTSIDE SPECIAL EVENTS PERMITTING" OF THE CITY'S COMPREHENSIVE ZONING ORDINANCE AUTHORIZING AN OUTSIDE SPECIAL EVENT "CAR SHOW" TO BE PERMITTED OUTSIDE ON MAY 11, 2019 FROM 11:00 A.M. UNTIL 3:00 P.M. AT THE RIVER OAKS EVENT CENTER LOCATED AT 5300 BLACKSTONE DR.

CM Ashton moved, seconded by CM Chisholm to approve Resolution #956-2019. All voted "Aye".

PUBLIC FORUM:

18. 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**

BI Sanders-Friday night is the 20th year fallen firefighters memorial dinner.

EXECUTIVE SESSION:

19. 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:

20. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

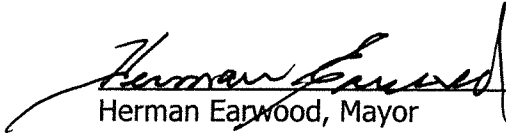
NONE

ADJOURN:

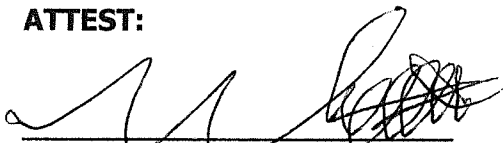
21. ADJOURN

At 8:43 p.m. CM Ashton moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary