

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 26, 2019**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST 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
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
FIRE CHIEF GREG STOCKTON
CODE ENFORCEMENT OFFICER DEBRA VECHNAK

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, March 26, 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:

Mayor Earwood read and presented a proclamation: Child Abuse Prevention 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 MARCH 12, 2019 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING MARCH 26, 2019 (FY 2019)
- C. APPROVE RESIGNATION AND/OR HIRING OF PUBLIC WORKS EMPLOYEES

CM Butler moved, seconded by CM Ashton to approve the Consent Agenda items A-B with removal of Item #C to be discussed in Executive Session. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

Item #C will be discussed in Executive Session.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY STEPHEN DODD AT 1413 LONG TO ALLOW A STORAGE CABINET ON FRONT PORCH DETERMINED BY THE CODE ENFORCEMENT DEPARTMENT TO BE OUTDOOR FURNITURE IN VIOLATION OF THE CITY OF CODE OF ORDINANCES.

Stephen Dodd was present. The definition of outdoor furniture and indoor furniture was defined. This piece of furniture that is in violation is an indoor piece of furniture and is not allowed. No action was 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 PM ON MARCH 15, 2019 IN THE RIVER OAKS COUNCIL CHAMBERS.

Bill Lohrke and Trevor Truss were present. The bids for Phase II Sewer Improvements were opened on March 19, 2019. There were four bidders. The recommendation is to accept the bid from IPR South Central LLC in the amount of \$2,141,279.75. This was not the low bid but the best value. The low bidder's references showed the last job was with the City of Houston in 2008. The subcontractor for the low bidder has been used in the past on River Oaks projects and there were issues. IPR South Central LLC did the Phase I Sewer Project and did a good job. The streets affected by Phase II Sewer are: Schieme, Barbara, Thomas, James, Taylor, Cahill Oval and Asbury.

Mayor Pro Tem Holland moved, seconded by CM Chisholm to award the Phase II Sewer Improvement Contract to IPR South Central LLC in the amount of \$2,141,279.75. All voted "Aye".

9. CONSIDER APPROVAL OF THE JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY ELECTIONS.

This is the same contract as previous years. The cost is \$6,806.33 with a \$5,200.00 deposit required. This is just for the early voting and election day only and does not include a run-off election.

CM Ashton moved, seconded by CM Chisholm to approve the contract with Tarrant County Elections. All voted "Aye".

10. CONSIDER APPROVAL TO GO OUT FOR BIDS ACCEPTING PROPOSALS FROM FINANCIAL INSTITUTIONS TO SERVE AS THE CITY'S DEPOSITORY BANK.

Every five years according to policy, the city is required to go out for bids for the city's depository bank. It has been over five years since we last went out for bids and needs to be done. The city's current bank is Bank of Texas and the River Oaks branch will be closing in June.

Mayor Pro Tem Holland moved, seconded by CM Ashton to approve the city going out for bids for the city's depository bank. All voted "Aye".

11. CONSIDER APPROVAL TO ENTER INTO CONTRACT WITH ARCHIVE SOCIAL FOR SOCIAL MEDIA ARCHIVING SOLUTION FOR RECORD KEEPING AND OPEN RECORDS COMPLIANCE.

This is a big issue amongst cities. All social media requests are all under the open records act. Recently we had our first social media request from our city's website. For some reason, the record had disappeared from the website. With help from Fly Rock Media, we were able to retrieve that information. This company will keep all records on the cloud. The cost is \$399.00 a month with the 13th month free.

CM Ashton moved, seconded by CM Chisholm to approve the contract with Social Media Archiving Solution. All voted "Aye".

12. CONSIDER APPROVAL OF REQUEST BY PWD GORDON SMITH TO REPLACE THE ENGINE IN W-2 WATER DEPARTMENT UTILITY TRUCK.

Unit W-2 is a 2008 Ford 1 Ton Flatbed Utility Truck. The truck blew a valve guide and pushrod in the engine. The best option is to replace the engine at a cost of \$7,885.38 which will hold a 3 year/100,000 mile warranty. Because of limited funds in the budget, a budget amendment will be required under Ordinance #1225-2019 (Item #18 on the agenda).

CM Butler moved, seconded by CM Ashton to approve replacing the engine in W-2 and to approve Ordinance #1225-2019 (Item #18). All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD/DANGEROUS BUILDING ENFORCEMENT ACTION ON PROPERTY LOCATED AT 928 LYDICK LANE PURSUANT TO SECTIONS 3.07.004 AND 3.07.012 OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED.

Mayor Earwood opened the Public Hearing at 7:44 p.m.

Complaints were received about a possible health situation on premises. The Building Inspector, Police Department and Animal Control entered the property under Administrative Search Warrant #2019-06 on March 15, 2019 and it was determined that a public health nuisance does in fact exist to the extent that it jeopardizes the health, safety and welfare of the occupants living therein and therefore the structure was deemed to be a substandard building pursuant to Section 3.07.004 of the River Oaks Code of Ordinances and ordered unfit for

human occupancy. The city has made living provisions for a week for the occupant to stay at a hotel. The city did receive quotes on the clean-up of the property. City staff has boarded the house up and has issued a Substandard Order. There is a bank involved but no mortgage on the property, instead an equity loan. Margaretta Wieda, homeowner was present. She doesn't have the means to clean up and fix the house. Is willing to walk away from the house but wants to get some possessions out. Ms. Weida is in the process of obtaining an apartment. Pictures were not shown on the overhead, but were available for viewing. BI Sanders said the problem will not get any better. House is in the same state as the day the city boarded it up. The animals have been removed. This is not a health hazard to the neighbors since the issues are on the inside of the house only.

Mayor Earwood announced this Public Hearing will remain open until the April 9th, 2019 City Council Meeting at 7:00 p.m.

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 928 LYDICK LANE THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.

NO ACTION TAKEN.

15. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE SIGN VARIANCE APPLICATION SUBMITTED BY KRIS FRANKS REQUESTING A VARIANCE FROM ARTICLE 3.12 "SIGNS", SECTION 3.12.083 "ATTACHED SIGN" (b) "GENERAL" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED IN ORDER TO INSTALL A 32 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN (ROOF MOUNTED) ON THE PROPERTY AT 5404-5412 RIVER OAKS BLVD. THAT IF BUILT WOULD BE IN VIOLATION OF SECTION 3.12.083 (g) "ROOF SIGN LIMITATIONS" IN THAT AN ATTACHED SIGN SHALL NOT EXCEED A HEIGHT OF 48 INCHES ABOVE THE ROOFLINE OR TOP OF THE PARAPET WALL AT THE ROOF OF ANY BUILDING. (VA 312-2019-01).

This Public Hearing is continued at 8:03 p.m. from the March 12, 2019 City Council Meeting.

Kris Franks was not present but is requesting the sign size remain the same as in the initial request. A document was presented saying this will meet the structural strength.

At 8:05 p.m., Mayor Earwood closed the Public Hearing.

16. ACTION FROM PUBLIC HEARING: IN ORDER TO CONSIDER APPROVAL ON THE SIGN VARIANCE APPLICATION SUBMITTED BY KRIS FRANKS REQUESTING A VARIANCE FROM ARTICLE 3.12 "SIGNS", SECTION 3.12.083 "ATTACHED SIGN" (b) "GENERAL" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED IN ORDER TO INSTALL A 32 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN (ROOF MOUNTED) ON THE PROPERTY AT 5404-5412 RIVER OAKS BLVD. THAT IF BUILT WOULD BE IN VIOLATION OF SECTION 3.12.083 (g) "ROOF SIGN LIMITATIONS" IN THAT AN ATTACHED SIGN SHALL NOT EXCEED A HEIGHT OF 48 INCHES ABOVE THE ROOFLINE OR TOP OF THE PARAPET WALL AT THE ROOF OF ANY BUILDING. (VA 312-2019-01).

CM Ashton moved, seconded by CM Chisholm to approve the sign request and find that the sign variance request of Kris Franks at 5404-5412 River Oaks Blvd that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed and that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article. Therefore, we move to grant a variance to the sign code in order for Kris Franks at 5404-5412 River Oaks Blvd to install a 32 square foot attached LED Message Board, 11-feet above the roofline in excess of the 48-inches above the roof line as required pursuant to Section 3.12.083(g) "Roof Sign Limitations" of the River Oaks Code of Ordinances contingent on the sign structure verification that it meets the structural strength requirements of the adopted building code and to attach on to the existing structure that stands over the roof. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF ORDINANCE #1224-2019 AMENDING THE FY 2019 BUDGET IN ORDER TO EXPEND FUNDS FROM THE POLICE SEIZURE FUND.

There was some working and in good condition Motorola radios and video equipment donated from another agency. But this equipment has to be programmed and installed therefore requesting \$2,093.00 to be spent from the seizure fund.

While installing some of the donated video equipment, the service technician discovered that the radio transmitter/receiver antenna that links the in-car video cameras to the server needed to be replaced. This piece of equipment is approximately 10 years old and has reached its life. Requested is an additional \$689.00 from the seizure fund. Total requested from the seizure fund is \$2,782.00.

CM Ashton moved, seconded by CM Butler to approve Ordinance #1224-2019. All voted "Aye".

18. CONSIDER APPROVAL OF ORDINANCE #1225-2019 AMENDING FY 2019 BUDGET IN ORDER TO EXPAND FUNDS FROM THE WATER FUND.

This item was approved earlier in Item #12.

19. CONSIDER APPROVAL OF RESOLUTION #959-2019 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR.

This is the same as in the years past and is very beneficial to the city.

CM Ashton moved, seconded by CM Chisholm to approve Resolution #959-2019. All voted "Aye"

20. CONSIDER APPROVAL OF RESOLUTION #960-2019 FOR SPECIAL EVENT PERMITTING TO HOLD A RONALD MCDONALD OUTSIDE SPECIAL EVENT AT THE RIVER OAKS EVENT CENTER.

This event on Saturday, March 25, 2019 from 10 a.m.–5 p.m. will have bounce houses, food trucks, karaoke, etc. All proceeds will go to the Ronald McDonald House.

CM Chisholm moved, seconded by CM Ashton to approve Resolution #960-2019. All voted "Aye".

STAFF REPORTS:

21. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1605 MONTROSE-no change or contact. Public Hearing April 9, 2019.
- 4709 WHITE OAK –board up ordered. Bring back for Public Hearing.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

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

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

26. **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

27. **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

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

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

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

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

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

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

PUBLIC FORUM:

34. 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**

EXECUTIVE SESSION:

35. 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.

At 8:16 p.m., Mayor Earwood went into Executive Session under Sections 551.071, 551.072, 551.074 & 551.076.

At 9:22 p.m., Mayor Earwood reconvened into Open Session.

RECONVENE:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

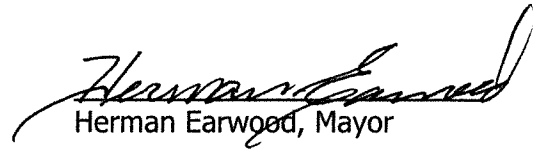
NONE

ADJOURN:


37. ADJOURN

At 9:22 p.m. Member Ashton moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary