

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 10, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
EMERGENCY MGT JAMES MYRICK
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BETSY ELAM
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

MAYOR HERMAN EARWOOD-ILLNESS

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, April 10, 2018 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.

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 MARCH 27, 2018 REGULAR COUNCIL MEETING

B. APPROVE MINUTES OF MARCH 26, 2018 JOINT MEETING WITH CISD SCHOOL BOARD

C. APPROVE MINUTES OF APRIL 3, 2018 TOWN HAL MEETING

D. APPROVE BILLS PAYABLE FOR PERIOD ENDING APRIL 10, 2018 (FY 2018)

CM Scott moved, seconded by CM Butler to approve the Consent Agenda items #A-D with a revision on item #A. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON RENEWING THE CONTRACT WITH WASTE CONNECTIONS (FORMERLY I.E.S.I.) FOR COMMERCIAL SOLID WASTE COLLECTION & DISPOSAL AS REQUESTED BY NORM BULAICH OF WASTE CONNECTIONS OF TEXAS.

Norm Bulaich was present. The contract ends on September 30, 2018. Proposal is to renew the contract with an additional five years. There will be no rate increase from October 1, 2018 thru September 30, 2018.

In the future, need to look at bidding the services out.

CM Butler moved, seconded by CM Scott to renew the contract with Waste Connections for the next five years. All voted "Aye".

8. CONSIDER APPROVAL OF REQUEST FROM JIM BYROM OF THE RIVER OAKS LIONS CLUB TO WAIVE RENTAL FEE FOR USE OF THE COMMUNITY CENTER FOR THE 2E2 DISTRICT MEETING ON JULY 21, 2018.

Jim Byrom was present. The River Oaks Lions Club is 70 years old this year. There are four district meetings a year and 2,400 lions are in this district. There are 16 districts in Texas. Unlike the Lions Club, the Community Center have other rooms available for breakout sessions.

CM Chisholm moved, seconded by CM Holland to approve waiving the rental fee for the River Oaks Lions Club. All voted "Aye".

9. CONSIDER APPROVAL OF RESOLUTION #925-2018 FOR SPECIAL EVENT PERMITTING TO HOLD AN OUTDOOR EVENT AT IRMA MARSH MIDDLE SCHOOL AS PRESENTED BY JASON MARTINEZ OF CISD.

This item will be passed to the April 24, 2018 Council Meeting.

10. DISCUSSION AND/OR ACTION ON CELL TOWER GROUND LEASE RENEWAL ON THE MONOPOLE AT 4900 RIVER OAKS BLVD AS PRESENTED BY AMERICAN TOWER CORPORATION.

Jeremy Humm was present. We are in the final three years of this lease. American Tower has taken over 15,000 sites which the River Oaks site is one of them. American Tower is requesting to extend the ground lease for an additional 20 years. The current rental fee will remain the same and shall be increased 3% each year. Currently the River Oaks tower has 1,500 square feet capacity and currently has one carrier and has since 1996.

No action taken tonight by recommendation from the City Attorney.

11. CONSIDER APPROVAL OF AGREEMENT REQUIRING AN ANNUAL TRAINING AND SERVICE FEE OF \$1,000 WITH SIXTY AND BETTER, SENIOR CITIZEN SERVICES OF GREATER TARRANT COUNTY, INC. TO PROVIDE A CONGREGATE MEAL PROGRAM FOR PERSONS AGE 60 AND OLDER.

From October 2016-September 2017 there were 11 trained food handlers, 90-110 people served each month by the food bank, and for the year 1,980 meals served at \$6.00 per meal. The request is for \$1,000 per year. Every Wednesday, meals are served and once a month, food is brought in from the food bank.

CM Chisholm moved, seconded by CM Holland to approve the agreement with Sixty and Better. All voted "Aye".

12. DISCUSSION AND/OR ACTION ON POLICE DEPARTMENT DRESS CODE AS PRESENTED BY POLICE CHIEF CHRISTOPHER SPIELDENNER.

The Police Officers approached Chief Spieldenner about wanting to change the facial hair policy to allow for beards and goatees with criteria.

No motion taken, but all of the City Council agreed to the change.

13. CONSIDER APPROVAL TO AUCTION PUBLIC WORKS VEHICLES THAT ARE BEING RETIRED FROM THE CITY FLEET.

The two vehicles requesting to go to auction are the 2002 Chrysler Minivan and the 1998 Ford F-150. The transmission is out on the van and the truck has a lot of mechanical issues and it has been replaced with a new truck.

CM Holland moved, seconded by CM Scott to approve the auction of two Public Works vehicles. All voted "Aye".

14. DISCUSSION AND/OR ACTION ON EXPENDING FUNDS FROM WATER RESERVES IN ORDER TO REPLACE 240-FEET OF WATER MAIN INCLUDING SERVICES AND APPURTENANCES IN THE REAR OF THE PROPERTY IN THE 5400 BLOCK OF TRUMAN.

The engineer did not include this road in the water project. This needs to be done before the street is paved. The sewer will be replaced also.

CM Chisholm moved, seconded by CM Butler to approve replacing the water main in the 5400 Block of Truman. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF RESOLUTION #922-2018 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2017-2018 FISCAL YEAR BUDGET AS QUALIFIED FOR A PROJECT MORE THAN \$10,000 FOR BUSINESS INCENTIVES TO PROMOTE DEVELOPMENT OF COMMERCIAL BUSINESS PROPERTY AT 5436 THROUGH 5442 RIVER OAKS BLVD PURSUANT TO THE LOCAL GOVERNMENT CODE TITLE 12 "PLANNING AND DEVELOPMENT" CHAPTER 505 "TYPE B CORPORATIONS"; AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

This is the second reading. The changes discussed were incorporated into this Resolution by the City Attorney. C B Team has agreed to these changes.

CM Scott moved, seconded by CM Chisholm to approve Resolution #922-2018 (second reading). All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1180-2018 AMENDING ARTICLE 13.01 "GENERAL PROVISIONS", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY IN SEC. 13.02.038 "WAIVER OF CHARGES; ADJUSTMENTS TO BILL" REVISING 13.02.038 SUBSECTION (e) REPLACING OFFICE MANGER WITH ASSISTANT CITY SECRETARY AND BY INCORPORATING SECTION 13.02.038 (f) AUTHORIZING CITY SECRETARY/ASSISTANT CITY SECRETARY TO WAIVE THE ADMINISTRATION FEE ONE TIME ANNUALLY FOR JUST CAUSE.

The waving of the administration fee is per calendar. Written proof for justification will be required before approval is made. And this Ordinance will clean up the language replacing Office Manager with Assistant City Secretary.

CM Chisholm moved, seconded by CM Scott to approve Ordinance #1180-2018. All voted "Aye".

17. CONSIDER APPROVAL OF ORDINANCE #1181-2018 AMENDING ARTICLE 3.12 "SIGNS", DIVISION 2 "PERMITS" SPECIFICALLY UNDER SECTION 3.12.038 "TEMPORARY SIGNS EXEMPT FROM PERMITTING" (3) "REAL ESTATE SIGN" INCORPORATING (C) "EXCEPTION" PERMITTING REALTORS RECOGNIZED BY THE NATIONAL ASSOCIATION OF REALTORS MEETING CITY REGISTRATION REQUIREMENTS ON APPROVED APPLICATION FORM (EXHIBIT A) TO DISPLAY WITHIN THE CITY UP TO FIVE ADDITIONAL FOUR SQUARE FEET DIRECTIONAL SIGNS FOR A PERIOD NOT TO EXCEED 30-DAYS TWICE ANNUALLY WHEN PLACED ON PRIVATE PROPERTY MEETING ALL OTHER REQUIREMENTS WITH PERMISSION OF THE PROPERTY OWNER, TO AID THE PUBLIC IN FINDING THE LOCATION OF THE PROPERTY FOR SALE.

We have a non-commercial message provision in our current sign ordinance. The 2015 Supreme Court Case (Reed Case) emphasized you have to read a sign to see what regulations apply. Recommendation is to make minor amendments to the clause and Code Enforcement will have to read to determine what message applies.

Sherry Parnell, Realtor would like to be able to put out "Open House" signs a day or two before and take them down after the open house. Was told years ago by Code Enforcement that they were allowed but now, was told they are not allowed.

No action was taken tonight.

18. CONSIDER APPROVAL OF RESOLUTION #926-2018 REQUESTING FOR THE COMPLETION OF A TRANSPORTATION IMPLEMENTATION STUDY FOR THE TARRANT COUNTY AREA.

The Mayors Council recommended all 41 cities in Tarrant County to approve this Resolution.

CM Holland moved, seconded by CM Scott to approve Resolution #926-2018. All voted "Aye".

STAFF REPORTS:

19. UPDATE ON PROPERTIES SOLD AT THE APRIL 3, 2018 DELINQUENT TAX SALE.

Two houses were up for sale. One of them an agreement was made with the current owner and removed from the sale. The second one is 603 Oaklawn which sold for \$29,200.00. The sale resulted in \$18,609.87 in excess proceeds. There is \$8,319.89 owed in city liens.

PUBLIC FORUM:

20. 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**

Johnny Claridge questioned the concrete work being done in front of the shopping strip where Jessie's Donuts is. It is part of the TXDOT right of way but TXDOT will not fix it.

Mayor Pro Tem Ashton announced PWD Smith's father passed away. Reminded Beatles will be performing at the Community Center Saturday. The Easter Egg Hunt went well.

PC Spieldenner said there was a package thief in the Thomas Road area. The thief was found on a ring door bell and has been arrested. There was a CHS threat. It is a High School in New Mexico not Castleberry High School.

CM Butler announced Italiano's is now open.

CS Gregory reminded everyone about the Fire Department open house on April 21, 2018.

EXECUTIVE SESSION:

21. 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:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

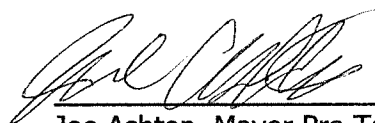
NONE

ADJOURN:

23. ADJOURN


At 8:11 p.m. CM Holland moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor Pro Tem

ATTEST:



Marvin Gregory, City Secretary