

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 26, 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
BUILDING INSPECTOR STEVE SANDERS
FIRE CHIEF RUSSELL SHELLEY
LIBRARY DIRECTOR JEANETTE WINTER
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
EDC COORDINATOR PATRICIA WARD

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, September 26, 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.

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

RIVER OAKS COMMUNITY NIGHT OUT

Mayor Earwood announced the Town Hall meeting will be also October 3rd but will only be 30 minutes. The Community Night Out is at the Methodist Church that night also.

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 SEPTEMBER 12, 2017 REGULAR CALLED MEETING

B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING SEPTEMBER 26, 2017 (FY 2017)

C. APPROVE AGREEMENT WITH TARRANT COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR PROVIDING FIRE PROTECTION OUTSIDE CITY.

D. APPROVE FEES & FINES COLLECTION REPORTS OCTOBER 1, 2016 THROUGH AUGUST 31, 2017 AS PRESENTED BY LINEBARGER, ATTORNEY AT LAW.

Mayor Pro Tem Ashton asked Chief Shelley to explain the Tarrant County Emergency Services Agreement. Chief Shelley said this is an annual cost of \$7,500. This will allow us to be able to respond all across Tarrant County. This is countywide mutual aid agreement.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the Consent Agenda items A - 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 THE APPOINTMENT OF JAMES BROWN AS THE CITY'S FIRE CHIEF.

Chief Shelley introduced James Brown as the new River Oaks Fire Chief. James Brown was recommended by the hiring committee. He has 30 years of fire service which most has been served in North Richland Hills. Currently he is a Battalion Chief, Shift Commander in North Richland Hills Fire Department. Chief Shelley read the certifications he currently holds. CM Chisholm, whom was on the committee, said a lot of candidates applied which they were all interviewed. CM Scott, whom was also on the committee, said that some of the candidates met with the firemen.

Mayor Pro Tem Ashton moved, seconded by CM Holland to approve the appointment of James Brown as Fire Chief effective October 1, 2017. All voted "Aye".

Mayor Earwood said James Brown will take the Oath of Office on October 2nd, 2017. So on October 1st, 2017 he will be Interim Chief. James Brown introduced his wife, Gena Brown. Also he is looking forward to working with the Mayor, City Council and Staff members.

8. CONSIDER APPROVAL OF BUS PASSENGER SHELTER DESIGN AND PLACEMENT AT THE RIVER OAKS CITY HALL AS PRESENTED BY SHERRY L. WILLIAMS, PROJECT MANAGER.

Sherry Williams, Project Manager was present. EDC had approved two additional bus stops; one at the River Oaks Café and the other at River Oaks City Hall. So far there has been five people approved for the MITS service but only one or two people use it so far. The location at City Hall will be moved. Because of the drainage issues, it would cost them \$20,000 for another inlet. It has been moved in the raised median area in front of City Hall where there will be no drainage issues. There was concern about traffic not being able to pull out safely. After much review, traffic will not be an issue. The first parking space will be shortened where a compact car will be able to park in that space. There will be railing installed for safety and the shelter will be ADA compliant. The shelter will be made of galvanized steel and will be painted green.

There will also be lights installed on the shelter. TXDOT has met with them onsite and approved the plan.

A River Oaks citizen commented that the citizens still do not want the bus service and people are leaving the city to shop.

CM Holland moved, seconded by CM Chisholm to approve the shelter design and placement as presented. All voted "Aye".

9. CONSIDER APPROVAL OF RESOLUTION #909-2017 APPROVING SPECIAL EVENT PERMITTING IN ORDER TO HOLD A FALL FESTIVAL SPECIAL OUTDOOR EVENT AT VICTORY CHURCH LOCATED AT 5116 RIVER OAKS BLVD ON OCTOBER 31, 2017 IN THE CHURCH PARKING LOT.

A representative from Victory Church was present. This is a free and safe environment for families. There will be face painting, booths, hot dogs, hamburgers, etc. This event will be from 5:30 pm to 8:00 pm on October 31, 2017.

CM Holland moved, seconded by CM Scott to approve Resolution #909-2017. All voted "Aye".

10. CONSIDER APPROVAL OF RESOLUTION #910-2017 APPROVING SPECIAL PERMITTING IN ORDER TO HOLD A FALL FESTIVAL SPECIAL OUTDOOR EVENT AT ONE FAITH CHURCH LOCATED AT 1200 ROBERTS CUT OFF RD ON OCTOBER 31, 2017 IN THE CHURCH PARKING LOT.

A representative from One Faith Church was present. This is similar to what has been done in the past. This event will be from 6:30 pm to 8:30 pm on October 31, 2017.

CM Scott moved, seconded by CM Chisholm to approve Resolution #910-2017. All voted "Aye".

11. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT TO PERFORM ADDITIONAL ENGINEERING SERVICES ON JAMES DRIVE AS AN EXTENSION TO THE SCHIEME STORM WATER DRAINAGE IMPROVEMENTS PLAN AS RECOMMENDED BY THE STORM WATER TASK FORCE AND WILL BE EXPENDED OUT OF STORM WATER FUNDS.

Storm Water Task Force set a priority for drainage improvements for Schieme Street. MJ Thomas Engineering has the design contract and the design is complete. Staff has asked for additional services to include rerouting a sewer main that is in conflict with the new drainage and additional topo survey to determine the problem with the drainage on James Dr. Staff has also asked for a solution to the drainage problem on James Dr. The additional services were presented to the SWTF on September 19, 2017 which they voted unanimously to approve and recommend to the council.

SWTF is also waiting final design and cost estimate for the Almema Drainage Project. CS Gregory is discussing with the financial advisor on options to fund both improvement projects and then will present to the council. \$4,850.00 is for the James Drive Topo Survey; \$6,500.00

is for professional services on the Schieme Street sewer re-route; \$8,500.00 is for the design phase of James Drive storm water drainage; which totals \$19,850.00.

CM Butler moved, seconded by CM Scott to approve the Agreement for additional engineering services at the cost of \$19,850.00. All voted "Aye".

12. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT TO PERFORM ENGINEERING SERVICES AT CITY HALL COMPLEX INVOLVING THE ALMENA DRAINAGE CHANNEL THAT RUNS PARALLEL AND BETWEEN GREENBRIER AND GLENWICK AS RECOMMENDED BY THE STORM WATER TASK FORCE AND WILL BE EXPENDED OUT OF STORM WATER FUNDS.

The Almena Drive drainage channel is the storm water drainage channel that runs parallel and between Greenbrier Drive and Glenwick Drive. The channel drains storm water north of the city down through Almena Drive continuing to a storm water inlet at the back of City Hall.

Currently the channel is under design for improvements. We are requesting to have the additional topo survey to correctly calculate the impact on the storm water drainage inlet in the TXDOT right of way and any future impact to the City Hall complex. The cost is \$7,300.00 for professional surveying services.

Mayor Pro Tem Ashton moved, seconded by CM Butler to approve the agreement to perform engineering services at the cost of \$7,300.00. All voted "Aye".

13. DISCUSSION AND/OR ACTION ON AMENDING SECTION 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" OF THE RIVER OAKS CODE OF ORDINANCES.

This was brought before the council about 90 days ago. A lot of discussion went on. Some feel if we become aware of a death, a letter needs to be sent out. The city needs to know who is responsible for the account. Some feel that a letter does not need to be sent out. Some feel if a family member occupant can proof they live there, they can get the account changed over without a certificate of occupancy. Other cities have been checked with and none have a policy. Some cities said if they become aware of a death, they would like the account changed because they need to know who they are dealing with. Mayor Earwood formed a committee (CM Holland, Mayor Pro Tem Ashton and CA Gregory) to come up with a solution and bring back to council for discussion and/or approval.

Mayor Pro Tem Ashton moved, seconded by CM Scott to continue not sending out deceased letters until a decision is made and to allow the committee to come up with a solution within 45 days. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE #1165-2017 AMENDING ARTICLE 13.06 "UTILITY FACILITIES IN RIGHT OF WAY" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED BY INCORPORATING REGULATIONS FOR NETWORK NODES FOR CELLULAR COMMUNICATION PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE THAT WAS EFFECTIVE ON SEPTEMBER 1, 2017.

CS Gregory recommended this item be tabled. Need to look into a design manual.

15. CONSIDER APPROVAL OF ORDINANCES #1166-2017 AMENDING THE 2016-2017 FISCAL YEAR BUDGET TO EXPEND COMMUNITY CENTER DOLLAR DONATION FUNDS.

The parking lot is dark. The 150 watt lights are recommended and we will qualify for a \$3,000 rebate.

CM Butler moved, seconded by CM Chisholm to approve Ordinance #1166-2017. All voted "Aye".

16. CONSIDER APPROVAL OF RESOLUTION #911-2017 APPROVIING SPECIAL EVENT PERMITTING TO HOLD AND OUTDOOR SPECIAL EVENT IN CONJUNCTION WITH RIVER OAKS COMMUNITY NIGHT OUT.

This year's River Oaks Community Night Out will be held at the River Oaks Methodist Church.

Mayor Pro Tem Ashton moved, seconded by CM Scott to approve Resolution #911-2017. All voted "Aye".

STAFF REPORTS:

17. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 4900 ALMENA RD.-active electric permit, paid substandard fee, 30 days to complete
- 1202 BANKS-mechanical rough in today, bring back later
- 5411 PURDUE-accessory building-sent final notice, Public Hearing
- 606 WORTHVIEW-foreclosure-bring back to council for order
- 5513 AMHERST-demolished, removed from substandard
- 310 WINTERS-active c/o, removed from substandard
- 1101 OXFORD-Public Hearing
- 1617 HILLSIDE-Public Hearing
- 1213 CAMBRIDGE-demolished, finaled
- 4605 BYRD DR.-demolished, finaled
- 5601 TAYLOR RD.-new owner, bring back to council next meeting

18. UPDATE ON TWDB CAPITAL IMPROVEMENT PROJECTS AS PRESENTED BY PWD GORDON.

PWD Smith presented a slide show on the capital improvement projects. Also shown where the new and old security fencing at the Water Treatment Plant. Also shown where pictures of the improved valve operations at the Water Treatment Plant.

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

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.

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

CM Holland asked for an update on the Churchill sidewalk project. PWD Smith currently has two bids. Was waiting on the third bid but will look over the two bids tomorrow with CS Gregory. They are also working on painting the bridge.

PC Spieldenner announced October 3rd, 2017 is Community Night Out at the River Oaks Methodist Church.

PC Spieldenner was asked to explain an incident that happened with a baby on Friday.

CS Gregory introduced Library Director Jeanette Winter.

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**

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.

RECONVENE:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

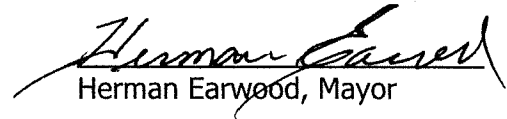
NONE

ADJOURN:

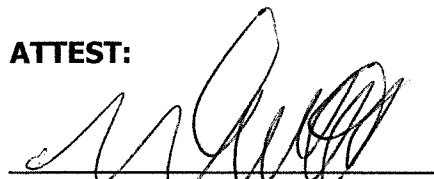
34. ADJOURN

At 8:52 p.m. CM Holland moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary