

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 11, 2018**

MEMBERS PRESENT:

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

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

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, December 11, 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 NOVEMBER 27, 2018 REGULAR COUNCIL MEETING

B. APPROVE MINUTES OF DECEMBER 4, 2018 SPECIAL CALLED MEETING

C. APPROVE BILLS PAYABLE FOR PERIOD ENDING DECEMBER 11, 2018 (FY 2019)

D. APPROVE HIRING CLINTON WILLIAMS AS A RESERVE POLICE OFFICER

E. APPROVE CONTRACT WITH H2O ARTIST AGENCY AS REVISED FOR ARTIST RYAN STEVENSON TO PERFORM IN CONCERT ON SATURDAY JUNE 1, 2019 AT 7:00 PM AT THE RIVER OAKS COMMUNITY CENTER

CM Chisholm moved, seconded by CM Ashton to approve the Consent Agenda items A-D with removal of item #E from the Consent Agenda. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

Item #E-This contract is different than from others. This entertainer tours with top notch entertainers and he is on the radio.

CM Ashton moved, seconded by CM Chisholm to approve Consent Agenda Item #E with revisions made by the City Attorney. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY ALEX RIVERA AT 1603 YALE ST. FOR WATER BILL ADJUSTMENT DUE TO WATER LEAK.

Alex Rivera was present. After the November rain event, a small leak was discovered behind the house and it was fixed. This was leaking for several days causing a water bill increase of \$358.42 for one month. According to the current utility policy, staff cannot adjust water bills due to a leak but customer can request to go before the City Council. The council agreed that the Utility Policy needs to be reviewed and possibly updated.

CM Ashton moved, seconded by CM Scott to approve the request with averaging the last 12 months and adding 10%. CM Ashton, CM Scott, CM Chisholm voted "Aye". CM Butler and Mayor Pro Tem Holland voted "Nay". Motion passed.

8. CONSIDER APPROVAL TO AMEND THE JULY 24, 2018 COUNCIL ORDER ON SUBSTANDARD PROPERTY AT 1605 MONTROSE DR.

David Courtney, new owner, was present. This house was purchased a month ago with no mortgage. Plan is to fix the house up and sell it or demolish the house and build a 4-plex. The property is zoned single family and surrounded by R-3 zoning so obtaining a zoning change may be difficult. To fix the house up will take 3-4 months. There is no lien on the property but an invoice has been sent to the previous owner on November 9, 2018 of clean up expenses. A plan of action was presented to the City Council.

CM Ashton moved, seconded by CM Scott to amend the July 24, 2018 council order to an additional 120 days from today and paying a \$150 substandard fee and \$250 for landfill costs and to have the plan of action approved by the building inspector. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

9. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5444 RIVER OAKS BLVD AS REQUESTED BY CHINA EXPRESS FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2018-0003).

This Public Hearing is continued from the November 27, 2018 Council Meeting.

Owner of China Express was present. Currently there is 11 parking spaces and asking for variance to allow the rear parking on Truman to make up the parking difference of 3 spaces to meet the 14 spaces required. The Planning and Zoning Commission passed the request for a SUP permit.

At 7:46 pm, Mayor Earwood closed the Public Hearing.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF REQUEST OF CHINA EXPRESS REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5444 RIVER OAKS BLVD AS REQUESTED BY CHINA EXPRESS FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2018-0003).

CM Butler moved, seconded by CM Chisholm to approve the SUP request of China Express at 5444 River Oaks Blvd. CM Butler, CM Chisholm, CM Scott and CM Ashton voted "Aye". Mayor Pro Tem Holland voted "Nay". Motion passed.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

11. CONSIDER APPROVAL OF ORDINANCE #1211-2018 VACATING AND ABANDONING ALL OF DOYLE DRIVE (50' RIGHT-OF-WAY) FROM THE INTERSECTION OF CHURCHILL ROAD WEST TO HAGG DRIVE, ALL OF HAGG DRIVE (50' RIGHT-OF-WAY) FROM SHEAR DRIVE TO DOYLE DRIVE: ALL OF SHEAR DRIVE (A VARIABLE WIDTH 50' RIGHT-OF-WAY) AND 60.5 FEET OF WORTHVIEW DRIVE (50' RIGHT-OF-WAY) NORTH TO SOUTH OF ITS INTERSECTION WITH SHEAR DRIVE AS DEDICATED BY DOYLE-HEAD ADDITION SECOND FILING AS RECORDED IN VOLUME 388-N, PAGE 18 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS; DECLARING THAT SUCH PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC, AUTHORIZING THE MAYOR TO EXECUTE QUIT CLAIM DEEDS RELEASING PUBLIC OWNERSHIP INTEREST AND CONTROL OF THESE STREETS; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

John Ramos, Castleberry ISD Superintendent, was present. The reason for this request is so the school can provide fire lanes around the school for their buses. They are going before the Zoning Commission on December 17th to re-plat the lots into one plat and the streets and utility easements will be plotted on the final plat.

CM Ashton moved, seconded by CM Holland to approve Ordinance #1211-2018 with the City Attorney adding language on maintaining access of the easement into the agreement. All voted "Aye".

12. CONSIDER APPROVAL OF ORDINANCE #1212-2018 PURSUANT TO SECTION 43.015 OF THE TEXAS LOCAL GOVERNMENT CODE, FORT WORTH AND RIVER OAKS HEREBY AGREE THAT THE BOUNDARY BETWEEN THE CITIES WILL BE ADJUSTED SO THAT WESTSIDE ACRES, BLOCK E, LOT 1A1, (920 CHURCHILL RD) LOCATED IN FORT WORTH CITY LIMITS, AS DESCRIBED AND SHOWN IN EXHIBIT "A", AND WITH A WIDTH OF LESS THAN 1,000 FEET, WILL BE LOCATED IN THE CITY LIMITS OF RIVER OAKS.

John Ramos, Castleberry ISD Superintendent was present. The school purchased the property of 920 Churchill that is a vacant lot next door to the bus barn which has an address of 924 Churchill. CISD has approached the City of Fort Worth to have the property annexed in the City of River Oaks. Both cities have to by ordinance approve a boundary adjustment.

CM Ashton moved, seconded by CM Chisholm to approve Ordinance #1212-2018. All voted "Aye".

13. CONSIDER APPROVAL OF RESOLUTION #950-2018 REPEALING THE CITY OF RIVER OAKS EMPLOYEE POLICY MANUAL AS ORIGINALLY ADOPTED UNDER RESOLUTION #509 ON JULY 14, 1998 AS AMENDED AND ADOPTING A NEW UPDATED EMPLOYEE PERSONNEL POLICY AND PROVIDING AN EFFECTIVE DATE.

This has been a two year work in progress with city staff and the City Attorney. The original policy was adopted 20 years ago with changes to some areas after that. CS Gregory read over a summary of changes to the policy.

CM Ashton moved, seconded by CM Chisholm to approve Resolution #950-2018. All voted "Aye".

OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:

14. DISCUSSION AND/OR ACTION ON SCHEDULING A WORK SESSION REGARDING PROPOSED AMENDMENTS TO THE CITY CHARTER.

A Work Session has been scheduled for Saturday, January 12, 2018 at 8:00 am to discuss any proposed charter amendments that need to be made to be able to meet the deadline to put on the ballot for the May 2019 city election.

15. CONSIDER APPROVAL CLOSING THE LIBRARY ON DECEMBER 31ST FOR NEW YEAR'S HOLIDAY.

Council approved closing at noon on New Year's Eve. The library opens at 11 am on Monday's.

CM Chisholm moved, seconded by CM Ashton to close the Library on December 31st, 2018. All voted "Aye".

16. CONSIDER APPROVAL TO PURCHASE SPACE ON FIRE DEPARTMENT CALENDAR.

Spaces for advertisement range from \$100-\$500.

CM Scott moved, seconded by Mayor Pro Tem Holland to approve the city purchasing a space, if needed, of a range from \$100-\$500. All voted "Aye".

STAFF REPORTS:

17. UPDATE ON 90-DAY APPROVAL THROUGH DECEMBER 15, 2018 PERMITTING OUTDOOR GRILLING AT 4845 RIVER OAKS BLVD.

No action taken. The 90 days will expire on December 15, 2018. The business was grilling outdoor on days that were not approved by council.

18. UPDATE ON TIME SCHEDULING FOR PRESENTING PROPOSED SIGNAGE, ZONING AND COMPREHENSIVE PLAN FOR THE CITY OF RIVER OAKS.

A tentative schedule for 2019 was presented to the council.

19. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1617 HILLSIDE-approved certificate of occupancy and removed from substandard.
- 1605 MONTROSE-discussed tonight. Will do monthly inspections.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

Interviews will be conducted on Friday for the Assistant Chief position. Commercial Inspections are averaging 10 inspections a month.

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

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

24. **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

25. **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

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

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

Shirley Wheat apologized for the Christmas Tree Lighting. The weather was poor.

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

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

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

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

PUBLIC FORUM:

32. 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**

CS Gregory read a letter from TCEQ about the investigation at the Water Treatment Plant and found no action needed to be taken. PWD Smith and the WTP employees worked extremely hard and commended them on a job well done.

CM Ashton thanked CM Scott for his service as Council Member.

Bill Seybold thanked CM Scott for his service and his presence will be missed.

EXECUTIVE SESSION:

33. 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:

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

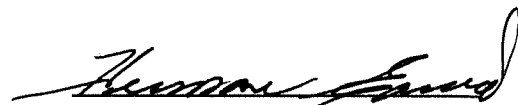
NONE

ADJOURN:

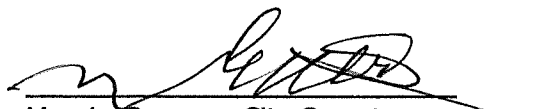
35. ADJOURN

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

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary