

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
OCTOBER 10, 2017**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
ASST CITY SECRETARY PAULA LUCK  
POLICE CHIEF CHRIS SPIELDENNER  
CITY ATTORNEY BRADLEY ANDERLE  
EMERGENCY MGT JAMES MYRICK  
BUILDING INSPECTOR STEVE SANDERS  
PUBLIC WORKS DIRECTOR GORDON SMITH  
FIRE CHIEF JAMES BROWN  
WTP OPERATOR JOHN PAUL JONES  
EDC COORDINATOR PATRICIA WARD  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
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, October 10, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

CM Holland led the Pledges of Allegiance to the United States and the Texas Flags.

Mayor Earwood introduced the new Fire Chief James Brown.

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

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 26, 2017 REGULAR COUNCIL MEETING
- B. MINUTES OF OCTOBER 3, 2017 COMMUNITY FORUM
- C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING SEPTEMBER 30, 2017 (FY 2017)
- D. APPROVE BILLS PAYABLE FOR PERIOD ENDING OCTOBER 10, 2017 (FY 2018)

- E. APPROVE AGREEMENT WITH E.R.C.O.T. FOR MEMBERSHIP FY 2018
- F. APPROVE TERMINATION OF PUBLIC WORKS EMPLOYEE
- G. APPROVE AGREEMENT FOR CONTINUED PARTICIPATION WITH THE CITY OF FORT WORTH INVOLVING THE ENVIRONMENTAL COLLECTION CENTER FOR FY 2018

**Mayor Pro Tem Ashton moved, seconded by CM Butler to approve the Consent Agenda Items #A-G. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 REQUEST FROM NANCY GARCIA TO HAVE ALCOHOL BEVERAGES AT HER RENTAL OF THE COMMUNITY CENTER ON OCTOBER 14<sup>TH</sup>.

Nancy Garcia was present. The rental is October 14<sup>th</sup>, 2017 from 2-6 pm and is for a baby shower. The alcohol beverages will consist of canned beer only. They will hire a Police Officer if this is approved. Community Center Director Shirley Bloomfield did say there will be a monitor there.

**CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve the request for alcohol beverages at the Community Center on October 14<sup>th</sup>. CM Holland, CM Butler, and CM Scott voted "Nay". Motion denied.**

8. CONSIDER APPROVAL OF RESOLUTION #912-2017 APPROVING SPECIAL EVENT PERMITTING IN ORDER TO HOLD A FALL FESTIVAL SPECIAL OUTDOOR EVENT AT THE RIVER OAKS CHRISTIAN CHURCH LOCATED AT 5613 MEANDERING RD. ON OCTOBER 31, 2017 IN THE CHURCH PARKING LOT.

No representative was present. This has been requested and approved in the past and this request is the same as the other ones presented at last meeting.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Resolution #912-2017. All voted "Aye".**

9. CONSIDER APPROVAL TO AMEND THE SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 5601 TAYLOR RD. DATED SEPTEMBER 12, 2017 UNDER NEW OWNERSHIP.

CS Gregory has talked with the prospective new owner. The closing date is this week. The new owner would like to postpone this until the October 24, 2017 Council Meeting and at that time a plan of action will be presented. The plans are to have this property repaired within 30 days.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to amend the substandard building order to extend thru October 24, 2017. All voted "Aye".**

10. DISCUSSION AND/OR ACTION ON REQUEST BY GUSTAVO CASTENEDA TO BUILD A NEW HOUSE AT 721 CHURCHILL RD. IN A POTENTIAL FLOODWAY AREA.

Gustavo Casteneda was present. As of right now, the engineering study has not been paid for. CS Gregory showed a picture of the creek on the day it rained 4.9" in matter of minutes and flooded many parts of the city. The creek did not flood. The city engineer is requesting a flood study because it is stated on the FEMA maps as a 1% chance of a flood. City Council decided not to take any action. If the flood study is done and if everything is fine, a permit can be pulled without council approval.

11. CONSIDER APPROVAL OF EMERGENCY PIPE-BURSTING IN THE 500 TO 600 BLOCKS OF SCHIEME STREET BY NO DIG TEC, LLC OF DALLAS, TEXAS.

PWD Smith presented a slide show. This project started by a resident whom showed up to the Community Forum with concerns. After staff investigated, they found out that there was a 30' section of pipe that had disintegrated into nothing. This project was started this past Saturday and is now complete except for the road repairs. 262' of the 6" main was replaced and 4-6" sewer taps were made. The quote for the project was \$39,567.50.

**Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the emergency pipe-bursting to not to exceed \$39,567.50. All voted "Aye".**

**PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:**

12. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECTION 32A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

Mayor Earwood opened the Public Hearing at 7:43 pm.

CS Gregory wants the Public Hearing to remain open to the October 24, 2017 Council Meeting at 7:00 pm. The Planning and Zoning Committee will hold their Public Hearing open until October 16, 2017 at 6:30 pm.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RECOMMENDATION OF THE APPLICATION FOR A SPECIFIC USE PERMIT PURSUANT TO SECITON 23A OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED REGARDING ERECTING A TELECOMMUNICATIONS TOWER ON CASTLEBERRY INDEPENDENT SCHOOL PROPERTY LOCATED AT 1100 ROBERTS CUT OFF ROAD IN A C-F "COMMUNITY FACILITIES" ZONING DISTRICT. (CASE #PZ SUP 2017-002).

**NONE**

**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.

The design manual is complet which sets perimeters and criteria. This is Chapter 284 of the Government Code that was effective September 1, 2017. This is for right of way only, not for private property.

**Mayor Pro Tem Ashton moved, seconded by CM Chisolm to approve Ordinance #1165-2017. All voted "Aye".**

15. CONSIDER APPROVAL OF ORDINANCE #1167-2017 AMENDING THE 2017-2018 FISCAL YEAR BUDGET IN ORDER TO EXPEND LIBRARY DOLLAR DONATIONS FOR AUDIO VISUAL SUPPLIES (DVD'S).

The Audio Visual Supplies were taken out of the budget several years ago and was being funded by the Library \$1 donation account.

**CM Scott moved, seconded by CM Holland to approve Ordinance #1167-2017. All voted "Aye".**

**OTHER ITEMS THAY MAY REQUIRE COUNCIL ACTION:**

16. DISCUSSION AND/OR ACTION ON ON-GOING PUBLIC WORKS PROJECTS INCLUDING STREET IMPROVEMENTS, SIDEWALKS AND TWDB CAPITAL IMPROVEMENT PROJECTS AS PRESENTED BY PWD GORDON SMITH.

PWD Smith presented a slide show. Last year, the city requested assistance from Tarrant County for street improvements of the 1000-1500 block of Roberts Cut Off. The cities part was \$65,000 which was budgeted but we ended up using those funds towards other capital items. We did not receive any funds from Tarrant County. Roberts Cut Off needs to be done but with the projects about to start there will be a lot of heavy equipment driving on that road therefore this year we are going to be replacing Byrd Street. The curb and gutters will be removed and replaced on top of the base then asphalt will be put down.

The Churchill sidewalk project-this is from 611 Churchill to Doyle. CM Holland mentioned the immediate need is from Stevens to Doyle. This project has been shortened so the immediate need is addressed. We can do this section without an engineer. The other sections presented in the slide show will have to have an engineer due to elevation changes, utilities, etc. The plan was to start this project the week of Thanksgiving but the contractor said we can start now and have areas blocked off for the kids by the time school gets out daily. This will be a two week project. Oncor has been contacted to relocate the guide wires. It is recommended to seek two other proposals and get a new proposal from Northridge. This will be brought back on October 24, 2017 Council Meeting with proposals and a timeline.

The bridge on Springer will be painted this week.

TWDB project-was expecting water plans but instead received the sewer plans. We are pushing to get the water plans this Thursday.

WTP projects-phase two of the security fence is completed. Now there is a 6' security fence surrounding the whole perimeter at the plant. Pump rehab replacement is done. The intake structures at the lake were inspected and one was deteriorated but is now fixed. Ms. Gibbs has moved out of the house and will be bringing an assessment back to council on October 24, 2017.

#### **PUBLIC FORUM:**

17. 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**

JoAnn Dennis passed away.

BI Sanders' surgery is scheduled for December 7<sup>th</sup>, 2017 with a 2-4 week recovery time.

The Platters event went very well. Nine out of ten people were from other cities. There were several groups of 10 and more.

Mayor Earwood pointed out that the past 12 months, we have started the largest project this city has had, there have been four new department heads, and a long time WTP employee passed away unexpectedly.

**EXECUTIVE SESSION:**

18. 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. **Public Works Director**
- d. Section 551.076 Deliberation regarding security devices.

**NONE**

**RECONVENE:**

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

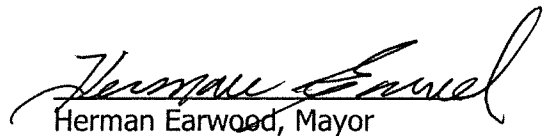
**NONE**

**ADJOURN:**


20. ADJOURN

**At 8:18 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