

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 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 BLOOMFIELD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
FIRE CHIEF GREG STOCKTON

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, February 26, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Ashton delivered the Invocation.

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

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

Mayor Earwood introduced Associate Judge for the City of River Oaks Cecilia Thomas.

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

PC Spieldenner introduced Officer Robert Wood. Officer Wood has been with River Oaks for five years and looks out for citizens in our community. Mayor Earwood presented a Certificate of Appreciation to Police Officer Robert Wood. PC Spieldenner introduced Sergeant Steven Nance. Sergeant Nance had pulled a man on a wheelchair out of a burning house in Fort Worth a few years back.

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 FEBRUARY 12, 2019 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 26, 2019 (FY 2019)

- C. RATIFY DIRECTOR APPOINTMENTS FOR FRIENDS OF THE ANIMAL SHELTER
- D. RATIFY DIRECTOR APPOINTMENTS FOR FOUNDATION SUPPORTING THE RIVER OAKS COMMUNITY CENTER
- E. APPROVE RESOLUTION #957-2019 AUTHORIZING AN INTERLOCAL AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND EMERGENCY SERVICES (TO COVER ACTION TAKEN AT THE FEBRUARY 12, 2019 COUNCIL MEETING)

CM Butler moved, seconded by CM Chisholm to approve the Consent Agenda items A-E. 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 REQUEST BY JOHN LINE AT 920 C ROBERTS CUT OFF RD TO COOK OUT ON PARKING LOT AND HAND OUT FREE FOOD AND PRIZES BY LINE PRINTING COMPANY.

No one was present. Mr. Line only wants this for one day to promote his business. The date is unknown.

CM Houk moved, seconded by CM Chisholm to approve for one day only in accordance with the Fire Department rules. All voted "Aye".

8. CONSIDER APPROVAL OF THE 2018 RACIAL PROFILING REPORT AS PRESENTED BY POLICE CHIEF CHRISTOPHER SPIELDENNER.

PC Spieldenner presented the 2018 Racial Profiling Report.

CM Ashton moved, seconded by CM Chisholm to approve the 2018 Racial Profiling Report. All voted "Aye".

9. CONSIDER APPROVAL OF REQUEST FROM EMC MYRICK TO WAIVE COLLECTION FEES FOR DISCARDED TIRES DURING THE MONTHS OF MARCH AND APRIL 2019.

The city has been collecting tires and waiving collection fees for about three years and has been very successful. This is for residential properties only and the maximum collected is four tires at a time. This free collection will be during the months of March and April 2019. Council agreed to pick up tires only on Wednesdays. The citizens will either call Public Works for pick up or if Public Works sees the tires on the curb they will pick up.

CM Ashton moved, seconded by CM Houk to approve waiving the collection fees for discarded tires during the months of March and April 2019. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

10. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE APPLICATION SUBMITTED BY HEMPHILL JOINT VENTURE RE-PLATTING A PORTION OF BLOCK 25 AND OF LOTS 21 & 22 IN BLOCK 21 SITUATED IN THE JOHN PRESTON LUSK SURVEY, ABSTRACT 947 PURSUANT TO SECTION 212.016 "AMENDING PLAT" OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 10 "SUBDIVISIONS" OF THE RIVER OAKS CODE BY AMENDING THE PRECEDING PLAT WITHOUT VACATION OF THAT PLAT PURSUANT TO SECTION 212.016 (9) TO RELOCATE ON OR MORE LOT LINES BETWEEN ONE OR MORE ADJACENT LOTS IF (A) IF THE OWNER OF THE LOTS JOIN IN THE APPLICATION FOR AMENDING THE PLAT; (B) THE AMENDMENT DOES NOT ATTEMPT TO REMOVE RECORDED COVENANTS OR RESTRICTIONS; (C) THE AMENDMENT DOES NOT INCREASE THE NUMBER OF LOTS. (ZONING CASE #PZ 2019-0002).

At 7:23 p.m., Mayor Earwood opened the Public Hearing.

Jake Jordan representing the property was present. Purchased was a corner lot at 4840 Ohio Garden Road so the trucks can make deliveries to the back on the building. Currently the delivery trucks cannot get to the grocery store. Concrete will be put down to tie in with the existing concrete and the electrical wires will be raised. The Planning and Zoning Commission recommended the re-plat application be approved by City Council.

At 7:29 p.m., Mayor Earwood closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION SUBMITTED BY HEMPHILL JOINT VENTURE RE-PLATTING A PORTION OF BLOCK 25 AND OF LOTS 21 & 22 IN BLOCK 21 SITUATED IN THE JOHN PRESTON LUSK SURVEY, ABSTRACT 947 PURSUANT TO SECTION 212.016 "AMENDING PLAT" OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 10 "SUBDIVISIONS" OF THE RIVER OAKS CODE BY AMENDING THE PRECEDING PLAT WITHOUT VACATION OF THAT PLAT PURSUANT TO SECTION 212.016 (9) TO RELOCATE ONE OR MORE LOT LINES BETWEEN ONE OR MORE ADJACENT LOTS IF (A) IF THE OWNER OF THE LOTS JOIN IN THE APPLICATION FOR AMENDING THE PLAT; (B) THE AMENDMENT DOES NOT ATTEMPT TO REMOVE RECORDED COVENANTS OR RESTRICTIONS; (C) THE AMENDMENT DOES NOT INCREASE THE NUMBER OF LOTS. (ZONING CASE #PZ 2019-0002).

CM Ashton moved, seconded by CM Chisholm to approve the re-plat application as recommended by the Planning and Zoning Commission. All voted "Aye".

OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:

12. CONSIDER APPROVAL AMENDING THE COMMUNITY CENTER RENTAL POLICIES AND PROCEDURES, REVISING THE RENTAL APPLICATIONS, ESTABLISHING RENTAL FEES AND REQUIRING SECURITY MONITORS FOR CERTAIN RENTALS WITH SPECIAL APPROVAL TO SERVE ALCOHOLIC BEVERAGES.

The changes that were suggested at the last Council Meeting have been included in the new rental policy presented. Since then, it is suggested to increase the alcohol deposit to \$600.00;

remove events with alcohol have to be council approved; change fees for the employee and city staff rental to \$33.00 per hour; and add an unlock and lock fee for the building when no monitor is required of \$25.00. Also suggested is increasing the resident rental rate to \$85.00 per hour, the civic group rate to \$60.00 per hour, and the employee and city staff rate to \$40.00 per hour.

Mayor Pro Tem Holland moved, seconded by CM Chisholm to approve the Community Center Rental Policies and Procedures as presented and with the changes noted above. All voted "Aye".

13. CONSIDER APPROVAL TO INCREASE EVENT CENTER RENTAL MONITORING RATES TO \$20 PER HOUR.

The current monitor rate is \$15.00 an hour. Requesting to have this increased to \$20.00 per hour and monitor hours will be charged to civic groups.

Mayor Pro Tem Holland moved, seconded by CM Chisholm to approve increasing the monitor rate to \$20.00 and to require a monitor at a civic group rental and to pay the monitor at a rate of \$20.00. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE #1220-2019 AMENDING THE FY 2019 STORM WATER FUND BY EXPANDING THE STORM WATER FUND AN ADDITIONAL \$42,000 FOR THE BYRD STREET CURB AND GUTTERING IMPROVEMENTS.

The Byrd Street project will be starting on Monday. This project was already approved, just bringing ordinance back for the funding.

CM Ashton moved, seconded by CM Butler to approve Ordinance #1220-2019. All voted "Aye".

15. CONSIDER APPROVAL OF ORDINANCE #1221-2019 AMENDING ARTICLE 1.09 "COMMUNITY CENTER" SPECIFICALLY IN SECTION 1.09.001 "DEFINITIONS"; SECTION 1.09.003 "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED".

This Ordinance cleans up the name of the center to River Oaks Event Center and also cleans up alcoholic probation. CA Elam recommended under Section 2, Section 1.09.003 to replace "the following" with "in accordance with this section". It was suggested to allow employees and civic groups to have alcohol but charging an additional \$50.00 for the alcohol. Staff will correct the language to mirror both policies.

CM Ashton moved, seconded by CM Chisholm to approve Ordinance #1221-2019 with the changes noted above. All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1222-2019 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES"; SPECIFICALLY IN SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY" (c) 6 "ROOFING CONTRACTORS" ESTABLISHING REGISTRATION REQUIREMENTS FOR ROOFING CONTRACTORS AND REVISING THE REGISTRATION FEES FOR FIRST YEAR REGISTRATION AND ANNUAL RENEWAL FEES THEREAFTER; REPEALING SECTION A.02.003 "ELECTRIC CONTRACTOR REGISTRATION" AS IS CURRENTLY WRITTEN AND INCORPORATE SECTION A.02.003 "ELECTRIC CONTRACTORS" AS HEREIN PROVIDED FOR IN THIS ORDINANCE.

Recommending requiring roofing contractors to register with the city for \$200.00 per year which includes the registration fee and any permits for that year; and the second year registration renewal will be \$100.00 for a year which also includes permits for that year. The contractors will be required to provide a Certificate of Insurance with their registration. An individual or homeowner will not be required to register, just pay for the cost of the permit fee.

Electrical contractors will not be charged a registration fee which is getting into accordance with state law.

CM Ashton moved, seconded by CM Houk to approve Ordinance #1222-2019. All voted "aye".

STAFF REPORTS:

17. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1605 MONTROSE-no contact. Will bring back at next council meeting for Public Hearing.
- 4709 WHITE OAK –abandoned house. Will bring back later for Public Hearing.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

CS Spieldenner-in process of submitting a \$70,000 grant for camera equipment in all vehicles. No matching funds will be required.

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

CM Holland asked about the fire truck backing up into the bay that hit a pole. FC Stockton said the driver did have a backer but got too close to the pole. Driver and backer have been spoken to and reminded about the backing policy. There was only cosmetic damage.

CS Stockton-thanked Steve Sanders for filling in for the February 15th dinner. He did an excellent job.

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

CM Holland asked about the property on Churchill that is in Fort Worth that was a trailer Park. BI Sanders said it will be a senior citizen living center that will be up to 100 units.

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

22. 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

23. 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

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

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

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

27. EDC ACTIVITY REPORT INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.

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

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

PUBLIC FORUM:

30. 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

Jim Byrom-trying to get the Historical Society meetings up and going again. There will be a Lions Club spaghetti dinner this Saturday night at the Lions Club about 6:30 pm.

CM Holland-asked about what Fort Worth was doing on the boulevard this week. PWD Smith said Fort Worth was repairing one of their water lines which had a lane shut down but is now repaired and lane re-opened.

Mayor Earwood-reminded everyone who RSVP'd to the Fire Department awards banquet that it will be Saturday night. The Lions Club Spaghetti dinner is also Saturday night.

BI Sanders-Castleberry Cares this Saturday from 9 am – 12 noon.

CM Chisholm-the sign at Sam Calloway and River Oaks Blvd is up but not complete.

EXECUTIVE SESSION:

31. 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.

NONE

RECONVENE:

32. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

ADJOURN:

33. ADJOURN

At 8:40 p.m. Member Ashton moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary