

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 14, 2017**

MEMBERS PRESENT:

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

ABSENT:

COUNCIL MEMBER STEVE HOLLAND
(excused-family illness)

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
PUBLIC WORKS DIRECTOR GORDON SMITH
ASST CITY SECRETARY PAULA LUCK
EDC COORINATOR PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS
CITY ATTORNEY BETSY ELAM

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 14, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro-Tem Ashton delivered the Invocation.

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

Mayor Pro-Tem Ashton led the Pledges of Allegiance to the United States and the Texas Flags.

Mayor Earwood thanked the River Oaks Police Department in regards to the bank robbery at Bank of Texas last week.

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. MINUTES OF JANUARY 21, 2017 COUNCIL WORK SESSION
- B. MINUTES OF JANUARY 24, 2017 REGULAR COUNCIL MEETING
- C. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING FEBRUARY 14, 2017 (FY 2017)
- D. APPROVE CARTER BLOOD DRIVE FOR MARCH 21, 2017

CM Butler moved, seconded by CM Gordon to approve items #B, C, & D from the Consent Agenda. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

CS Gregory removed Item #A Minutes of the January 21, 2017 Council Work Session from the Consent Agenda because of some revisions requested by a Council Member.

Mayor Pro-Tem Ashton moved, seconded by CM Gordon to approve the Minutes of the January 21, 2017 Council Work Session as amended. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF RESOLUTION #884-2017 FOR SPECIAL EVENT PERMITTING IN ORDER FOR CRICKET WIRELESS AT 5518 RIVER OAKS BLVD. TO HOLD A CUSTOMER APPRECIATION EVENT ON FEBRUARY 17, 2017.

Saed Babao, district Manager of Cricket Wireless was present. This event will be in conjunction with Liberty Tax Service in which prizes will be raffled off.

CM Gordon moved, seconded by Mayor Pro-Tem Ashton to approve Resolution #884-2017. All voted "Aye".

8. CONSIDER APPROVAL OF RESOLUTION #883-2017 AUTHORIZING A COLLECTION FEE FOR CERTAIN DEBTS OWED TO THE MUNICIPAL COURT OF THE CITY OF RIVER OAKS AS PRESENTED BY LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP, ATTORNEYS AT LAW.

Marisela Navarro with Linebarger, Goggan, Blair & Sampson LLP was present. The 30% collection fee is passed on to the defendants. But a Resolution must be passed. Mayor Earwood thanked Ms. Navarro with all her help with the Municipal Court.

Mayor Pro-Tem Ashton moved, seconded by CM Gordon to approve Resolution #883-2017. All voted "Aye".

9. CONSIDER APPROVAL OF THE 2015-2016 FISCAL YEAR AUDIT REPORT AND PROPOSAL FOR THE 2016-2017 FY AUDIT AS PRESENTED BY WILLIAM SPORE, CPA.

William Spore was present. Mr. Spore passed out the draft of the Financial Statement which he briefly went over. The only thing major that he mentioned was that the Municipal Court Fines were \$100,000 under budget in revenues. Since CM Holland is not present to review the audit report, it was suggested to bring the report back on February 28, 2017.

Mayor Pro-Tem Ashton moved, seconded by CM Gordon to approve the engagement letter for the 2016-2017 FY Audit. All voted "Aye".

10. CONSIDER APPROVAL OF THE REQUEST BY SAL LIMAS TO USE THE COMMUNITY CENTER ON MAY 6, 2017 FOR "MENTORS PROVIDING HOPE", A LOCAL NON-PROFIT ORGANIZATION HOLDING THE FIRST ANNUAL GALA FUNDRAISER.

Sal Limas & Jason Martinez of CISD were present. Instead of holding the fundraiser on May 6, 2017 as requested, it will be held on June 10, 2017. This is the first annual fundraiser in River Oaks. This fundraiser, which will be an auction, will be to raise funds to fund programs for the kids. This is not in connection with CISD. They are asking to waive the \$80 rental fee.

Mayor Pro-Tem Ashton moved, seconded by CM Gordon to accept the date change to June 10, 2017 and to waive the rental fee only; will pay for the refundable deposit fee and the monitor fee. All voted "Aye".

11. DISCUSSION AND/OR ACTION ON ISSUING COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR WATER & WASTEWATER SYSTEM IMPROVEMENTS UNDER THE STATE REVOLVING FUND FROM THE FEBRUARY 10, 2017 TWDB BOARD MEETING AS PRESENTED BY THE PROJECT FINANCIAL ADVISOR, CRAIG CUNNINGHAM OF WELLS & NELSON.

Craig Cunningham of Wells & Nelson was present. CS Gregory stated the city was approved for a \$15 million loan (\$8 million for water & \$7 million for wastewater) last Friday. The current bond payment of \$165,000 for the water plant will be paid off and \$565,000 that is budgeted for sewer and water replacement will go towards the first payment of the loan; which would leave about a \$92,000 balance the first year and it is recommended to increase the water bill the first year to an additional \$6.63 a month per bill to cover the balance. This increase will not be used for anything else except this project. Tonight we are only asking to publish the Resolutions to go out for the \$15 million loan. This project should start before December 2017. The first thing will be replacing the clarifier which will last 40-50 years.

Mayor Earwood stated this is only replacing the lines that have never been replaced. Roads will be replaced, not patched where the lines are replaced. Craig Cunningham stated the loans for clean water will bear a 1.47% interest rate and the drinking water will bear a 1.77% interest rate. The interest rates can change. After 2018, the payment will be approximately \$640,000 a year.

Citizen Dan Chisholm asked if this would eliminate the letters being received about the water. Mayor Earwood answered that he is not sure if it would eliminate but would reduce. When the new system is installed, the water will not be brown like it is now in some places.

Craig Cunningham is recommending this to be published in the Star Telegram on February 18th & February 25th. On March 28th, 2017 it will be brought to Council to pass the bond ordinances; which would result in an early May 2017 closing.

12. CONSIDER APPROVAL OF RESOLUTION #881-2017 DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR WATER SYSTEM IMPROVEMENTS.

CM Gordon moved, seconded by CM Butler to approve Resolution #881-2017. All voted "Aye".

13. CONSIDER APPROVAL OF RESOLUTION #882-2017 DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR SEWER SYSTEM IMPROVEMENTS.

CM Gordon moved, seconded by CM Butler to approve Resolution #882-2017. All voted "Aye".

14. DISCUSSION AND/OR ACTION ON AMENDING OR ENFORCING THE JUNE 28, 2016 ORDER OF THE BUILDING BOARD OF APPEALS AS EXTENDED UNTIL FEBRUARY 14, 2017 ON THE SUBSTANDARD PROPERTY AT 901 CHURCHILL.

Thomas Bankston was present. BI Sanders said the gas pressure test is the only thing pending; which could not be tested today because of the weather. Once tested and passed, this property will be removed from substandard.

Mayor Pro-Tem moved, seconded by CM Scott to amend the existing order of the Board of Appeals to extend to February 28, 2017. All voted "Aye".

15. CONSIDER APPROVAL AWARDDING THE ANNUAL CONTRACT FOR TEMPORARY PERSONNEL SERVICES FOR SOLID WASTE, PARKS MAINTENANCE AND GENERAL LABOR TO THE QUALIFIED BIDDER (RFP 2017-0001).

PWD Smith stated by using temporary personnel services for Public Works, it saves the city money. People Ready is our current company that we use and are the only ones that presented a bid. The proposal is for \$14.99 an hour for billing and the laborers would receive \$9.00 an hour. Also the financial impact is enclosed.

CM Gordon moved, seconded by Mayor Pro-Tem Ashton to approve the contract with People Ready and to specify Tarrant County in the contract. All voted "Aye".

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

EMC Myrick stated last year there were 400 tires taken out of the city from residential properties.

Mayor Pro-Tem Ashton moved, seconded by CM Gordon to approve waiving the collection fees for discard tires from March 1st, 2017 to the end of April 2017. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

17. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD. AS REQUESTED BY MOHAMMAD SHOHAIB FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SEC. 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2017-01)

Mayor Earwood opened the Public Hearing at 8:34 pm.

The attorney who represents Mr. Shohaib was present. This property was purchased by Mr. Shobaib about 1 ½ months ago. The old owners had a specific use permit for the sale of alcoholic beverages. Mr. Shobaib will continue this location as a convenient store, and also will continue selling gasoline. The alcohol sales will result in fewer than 30% revenue. Mayor Earwood asked the former Police Chief Dan Chisholm and the current Police Chief Avin Carter about if they had an increase in issues since more business started selling alcohol on the boulevard. Both Police Chief's responded with a no.

Mayor Earwood closed the Public Hearing at 8:41 pm.

18. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD. AS REQUESTED BY MOHAMMAD SHOHAIB FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SEC. 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2017-01)

CM Butler moved, seconded by Mayor Pro-Tem Ashton to approve the application for a Specific Use Permit at 5001 River Oaks Blvd. All voted "Aye".

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

19. CONSIDER APPROVAL OF ORDINANCE #1136-2017 AMENDING CHAPTER 2, "ANIMAL CONTROL", OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; AMENDING THE REGULATIONS OF ANIMALS; CREATING REGULATIONS OF DANGEROUS AND VICIOUS ANIMALS.

Mayor Earwood stated as the ordinance reads right now, an animal can attack another animal. PC Carter had the city attorney update the ordinance. But there needs to be a definition of a "Bite" added into the ordinance. CM Gordon pointed out that the rabies vaccination has been changed to every three years; but the city registration will continue at annually.

CM Gordon moved, seconded by CM Butler to approve Ordinance #1136-2017 with an addition of the definition of "Bite". All voted "Aye".

20. CONSIDER APPROVAL OF ORDINANCE #1137-2017 AMENDING THE 2016-2017 GENERAL FUND BY EXPANDING IT TO ALLOW FOR THE EXPENDITURE OF PARK DOLLAR DONATION FUNDS FOR PURCHASE OF SCORE TABLES AND RIDING LAWNMOWER.

CS Gregory stated this has already been presented to the Park Board.

Mayor Pro-Tem Ashton moved, seconded by CM Butler to approve Ordinance #1137-2017. All voted "Aye".

21. CONSIDER APPROVAL OF ORDINANCE #1138-2017 AMENDING ARTICLE 12.05 "STOPPING, STANDING AND PARKING" SPECIFICALLY IN SEC. 12.05.011 "SPECIAL NO PARKING ZONES" BY INCORPORATING SECTION 12.05.011(e) "BLACKSTONE DR." CREATING A SPECIAL NO PARKING ZONE IN THE 5300 BLOCK.

PC Carter stated this request was made by Community Center Director Shirley Wheat. People are walking and riding bikes into the traffic. There will be bags that the Community Center Directors will place over the no parking signs during events. The cost for the signs will be approximately \$450.

CM Scott moved, seconded by Mayor Pro-Tem Ashton to approve Ordinance #1138-2017. All voted "Aye".

OTHER DISCUSSION ITEMS THAT MAY REQUIRE COUNCIL ACTION:

22. DISCUSSION AND/OR ACTION ON SCHEDULING A WORKSESSION WITH DAWN BRINSON OF BRINSON BENEFITS REGARDING MEDICAL HEALTH INSURANCE.

CS Gregory stated that Dawn Brinson would like to come out and talk with the council and public about changes in the health care regarding medical health insurance which can impact rates. CS Gregory was instructed by Council to get some dates to them.

23. DISCUSSION AND/OR ACTION ON SCHEDULING A JOINT WORKSESSION WITH PLANNING AND ZONING COMMISSION REGARDING AMENDING THE CITY'S ZONING ORDINANCE.

CS Gregory stated the Planning and Zoning Commission would like to have a joint work session with the City Council in March on a Saturday. CS Gregory was instructed to set a date.

24. DISCUSSION AND/OR ACTION ON PROVIDING GOOD FRIDAY, APRIL 14, 2017 AS A PAID HOLIDAY FOR CITY EMPLOYEES.

Mayor Pro-Tem Ashton moved, seconded by CM Scott to approve April 14th, 2017 as a paid holiday and for Good Friday be added to the holiday schedule in the personnel manual. All voted "Aye".

PUBLIC FORUM:

25. 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-There was a lady that came before council a while back about sidewalks on Churchill and wondering what ever happened about that. Mayor Earwood responded that PWD Smith will look into it.

Dan Chisholm-In regards to the Water & Wastewater monies, wasn't part of that supposed to be a grant? Mayor Earwood responded that we did not qualify for the grants for what we are proposing to do.

EXECUTIVE SESSION:

26. 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:
 - 1) **Pending Substandard Housing Litigation Cause #236-284507-16;**
 - 2) **Pending Substandard Housing Litigation Cause #236-284507-16;**
 - 3) **Other pending substandard matters; and**
 - 4) **Commercial Development & Zoning Use Requirements.**
- 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.

Mayor Earwood convened into Executive Session at 9:19 pm.

Mayor Earwood re-convened into Open Session at 9:53 pm.

RECONVENE:

27. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

ADJOURN:

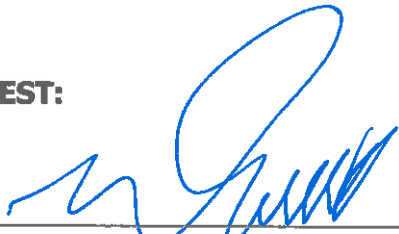
28. ADJOURN

At 9:54 p.m. CM Scott moved, seconded by Mayor Pro-Tem Ashton, to adjourn the meeting.

All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor