

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 13, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER DARREN HOUK

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
EMERGENCY MGT JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
PWD GORDON SMITH
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
CITY ATTORNEY BETSY ELAM
FD CONSULTANT RUSSELL SHELLEY

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Herman Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, August 13, 2019 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.

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 JULY 23, 2019 REGULAR CALLED MEETING
- B. APPROVE MINUTES OF JULY 30, 2019 SPECIAL CALLED MEETING
- C. APPROVE MINUTES OF AUGUST 6, 2019 TOWN HALL MEETING
- D. APPROVE MINUTES OF AUGUST 6, 2019 SPECIAL CALLED MEETING
- E. APPROVE BILLS PAYABLE FOR PERIOD ENDING AUGUST 13, 2019 (FY 2019)

F. APPROVE RESOLUTION #974-2019 RATIFYING CITY SECRETARY AUTHORIZATION FOR SPECIAL EVENT PERMITTING FOR CISD BOOSTER CLUB RESCHEDULING CAR SHOW

G. APPROVE RESOLUTION #975-2019 RATIFYING CITY SECRETARY AUTHORIZATION FOR SPECIAL EVENT PERMITTING FOR ANNUAL OUTDOOR EVENT "PINWHEELS FOR PEACE"

CM Holland moved, seconded by CM Claridge 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON AMENDING THE JULY 24, 2018 SUBSTANDARD BUILDING ORDER ON 1605 MONTROSE DRIVE AS AMENDED ON JULY 9, 2019 AS REQUESTED BY DAVID COURTNEY.

David Courtney was present. Thought he had this property sold six times. He will not have the finances to fix this property until September 2019. Predicts it will take 2-3 months to complete. BI Sanders wants the carport removed because it is on the neighbor's fence. CA Elam advised the city can remove the carport but will have to place a lien on the property.

Council agreed to have this on the September 10, 2019 Council Meeting and have the owner present a plan of action.

8. CONSIDER APPROVAL OF REQUEST BY FIRE CHIEF TO EXPEND FUNDS FROM THE DOLLAR DONATION FUND WITH ADOPTION OF ORDINANCE #1240-2019 AMENDING THE 2018-2019 FISCAL YEAR GENERAL FUND BUDGET IN ORDER TO PURCHASE WARDROBE STORAGE LOCKERS FOR FIRE FIGHTERS.

In preparation for the full time Fire Department that council might be passing tonight, requesting to purchase nine lockers in the amount of \$3,517.78 out of the Fire Department \$1 donation account so the full time crew can store their personal belongings.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1240-2019. All voted "Aye".

9. DISCUSSION AND/OR ACTION REGARDING ADOPTING A RESOLUTION FROM AUGUST 10TH WORK SESSION EXPRESSING SUPPORT OF THE MEANDERING ROAD IMPROVEMENT PROJECT AS SUBMITTED.

Dan Kessler with NCTCOG was present. A draft copy of Resolution #976-2019 was presented to the council. An overview of the projects was given to the council and audience. Federal funds are being used to fund this project. Proposing to realign Meandering Road to extend to River Oaks Blvd. Will need to decide if traffic lights or a round-a-bout is wanted for the intersection of Meandering and Roberts Cut Off. Also proposing at the intersection of Yale and

Meandering is a round-a-bout or a traffic signal. The traffic signals will be maintained by the city which typically cost \$20,000-\$50,000 a year to maintain. NCTCOG is fully committed on acquiring the needed right of way for both projects. Council agreed that a signal light was the best option for the intersection of Roberts Cut Off and Meandering Road. For the intersection of Yale and Meandering, if traffic signals are installed, more property will have to be acquired because Yale does not line up. If pedestrians need to cross the road, they will push a button and all light signals will turn red. The round-a-bout will slow traffic down. There will be a button for pedestrians to push if they need to get on the round-a-bout and lights will light up to notify the vehicles of this. The round-a-bout speed limit will be school zone speeds. It was pointed out that citizens that had attended past meetings did not want a round-a-bout at the Yale and Meandering intersection.

At 8:18 p.m., Mayor Earwood went into Executive Session under Sections 551.071, 551.072, 551.074 and 551.076.

At 8:29 p.m., Mayor Earwood reconvened back into Open Session.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the plan with adding signal lights at the intersection of Yale and Meandering and to replace the verbiage in the Resolution to read signal lights. Mayor Pro Tem Ashton and CM Claridge voted "Aye". CM Holland and CM Chisholm voted "Nay". CM Houk abstained due to a conflict of interest. Mayor Earwood voted "Nay". Motion denied.

CM Holland moved, seconded by CM Chisholm to approve Resolution #976-2019 as written with supporting the realignment of Meandering Road, a signal light at the intersection of Roberts Cut Off Road and Meandering Road, and a round-a-bout at the intersection of Yale and Meandering Road. CM Holland and CM Chisholm voted "Aye". Mayor Pro Tem Ashton and CM Claridge voted "Nay". CM Houk abstained due to a conflict of interest. Mayor Earwood voted "Aye". Motion passed.

CA Elam noted that CM Houk's conflict of interest is due to the fact he has a substantial interest of real property and his decision would impact his property in an economic way.

At this time, Laci Waters with Pinwheels for Peace and along with two girl scouts presented the council with handmade pinwheels. Can make peace wishes on them for peace within, community wide and worldwide. This outdoor event will be on September 21, 2019 at the River Oaks Lions Club at 5:30 p.m. Also would like to bring the whole troop to one of the September 2019 City Council Meetings.

10. DISCUSSION AND/OR ACTION ON REQUEST FROM PUBLIC WORKS DIRECTOR TO SUBMIT GRANT FUNDING APPLICATION FOR PURCHASE OF GARBAGE TRUCKS THROUGH TEXAS COMMISSION OF ENVIRONMENTAL QUALITY AND/OR COUNCIL OF GOVERNMENTS.

PWD Smith presented a slide show of the 2019-2020 budget needs. The critical needs are the garbage trucks in which we can monitor and apply for grants. There is one grant the deadline for application is September 6, 2019 at 5:00 p.m. and a policy will have to be adopted prior to the submittal of the application. The cost for one garbage truck is \$285,695.00 thru Buy Board. NCTCOG will not award a grant for less than \$100,000.00 per applicant. The city qualifies for

25% of the grant. There is also a \$209 million dollar settlement thru the Texas Volkswagen Environmental Mitigation Program. There are three phases. The first phase was for school buses, transit buses and shuttles. On October 1, 2019 the second phase will open and will include sanitation trucks.

We will continue researching and if we apply for the grant that the deadline is September 6, 2019, we can back out if needed to.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

11. PUBLIC HEARING: FIRST PUBLIC HEARING IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED 2019 TAX RATE PROPOSAL OF \$0.678471/\$199 OF PROPERTY VALUE.

At 9:18 p.m., Mayor Earwood opened the Public Hearing.

This year's effective tax rate from the 2019 tax rate worksheet that was presented on July 30th was \$0.628215/\$100 but has since been revised due to line 21 on the worksheet being changed from \$4,318,585 to \$2,529,402 by Tarrant County, the end result is the effective tax rate is now \$0.624553/\$100 instead of \$0.628215/\$100 and the roll back rate is now \$0.674517/\$100 instead of \$0.678472/\$100 as presented on July 30th. With the revised effective and roll back tax rate, it is recommended to lower the proposed tax rate to \$0.674516/\$100 which is a \$7.99980% increase. An average net taxable value per residence in 2018 is \$95,866. The amount of taxes that would be imposed this year on an average home valued at \$95,866 calculated at the proposed tax rate of \$0.674516. The total ceiling amount projected revenue in 2019 has also been revised to \$364,931 from \$373,137 in 2018. If the proposed tax rate of \$0.62516 is approved, the projected revenues at a 99% collection rate would be \$2,066,657 plus tax ceiling revenue proposed at \$364,931 for total revenue projected of \$2,431,588.

At 9:25 p.m., Mayor Earwood closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: SCHEDULE THE DATE TO VOTE ON THE 2019 TAX RATE.

Mayor Earwood stated the second Public Hearing will be August 22, 2019 at 6:30 p.m. and the adoption of the tax rate will be September 5, 2019 at 7:00 p.m.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF ORDINANCE #1239-2019 AMENDING THE RIVER OAKS CODE OF ORDINANCE IN CONFORMANCE WITH THE CITY CHARTER AS AMENDED CHANGING TO CITY MANAGER/COUNCIL FORM OF GOVERNMENT.

CA Elam presented this at the last council meeting and all has been updated to the correct language.

CM Holland moved, seconded by Mayor Pro Tem Ashton to approve Ordinance #1239-2019. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

14. DISCUSSION AND/OR ACTION ON CITY MANAGER'S RECOMMENDATION TO ESTABLISH A FULL TIME FIRE DEPARTMENT ON OCTOBER 1, 2019.

The City of Lake Worth and the City of White Settlement said they will not continue with mutual aid with River Oaks unless River Oaks goes to a full time Fire Department effective October 1, 2019. With FD Consultant Russell Shelley, the full time crew consists of 6 commissioned fire fighters, 3 shift officers including 2 Lieutenants and a full time captain plus a part time captain and a part time chief for a total budget including operational costs of \$987,455. The five year projections for the General Fund budget are in the black each year. In the five year projections, the only department that has capital projected is the Fire Department. This projection does not include any employee raises and a department is removed. Have been talking with the City of Fort Worth Fire Department and if we have a full time crew, we can get mutual aid with them. Plus there are numerous benefits with the City of Fort Worth Fire Department that we will get. Chief Stockton wants to step down to a Captain and Russell Shelley will be the Fire Chief.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the City Manager's recommendation to establish a full time Fire Department on October 1, 2019. All voted "Aye".

15. DISCUSSION AND/OR ACTION ON GROUND LEASE WITH YMCA CAMP CARTER FOR AN ANIMAL SHELTER AND EXPANDING FUTURE MUNICIPAL OPERATIONS.

CA Elam drafted a MOU (Memorandum of Understanding) for the original land off of Meandering Road. The Harvard location seems most feasible and economical because utilities are already there and the plan is to extend the road (possible asphalt). The MOU is preliminary and moves this forward, but will have a detailed lease agreement when the time comes. So far the city has spent \$17,000 towards topographical, land and tree surveying on Meandering. It was suggested to notify the neighborhood around the Harvard location of this possibility and to find out from surrounding agencies what the cost would be if we partnered up with them.

CM Holland moved, seconded by CM Chisholm to move forward with the MOU using both sites and direct staff to move forward with a plan for the animal shelter on Harvard Street. CM Holland, CM Chisholm, CM Claridge and CM Houk voted "Aye". Mayor Pro Tem Ashton voted "Nay". Motion passed.

STAFF REPORTS:

16. UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

CM Gregory appointed CS Paula Luck as the Personnel Director as provided for in the Employee Policy Manual. Also enclosed is the 2019 budget and tax schedule.

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**

Dan Bennett-lives in White Settlement and is proposing trying to get the state laws to put small entities in better situations. Proposed is to change the date that you vote for Tarrant Appraisal District. Other entities have been approached. Went by CA Elam's office for a Resolution that we all vote in the same week. Some votes were not counted for. Some entities did not get ballots. Would like 10 entities to pass this Resolution and send to Jeff Law at Tarrant Appraisal District. The small entities can have candidates come out and at that time present a ballot to the city.

Dan Kessler, NCTCOG-suggested small surrounding cities come together and do joint things like an Animal Shelter.

CM Claridge-mentioned Molly the Trolley in the EDC meeting last night.

CM Holland-raised Peace on Wheels.

CM Houk-thanked all that showed up tonight.

Mayor Pro Tem Holland-remember and pray for former Police Chief Dub Bransom.

Mayor Earwood-thanked all for being here tonight.

EXECUTIVE SESSION:

18. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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.

This item was done in Item #9.

RECONVENE:

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

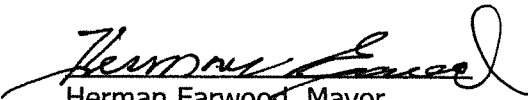
This item was done in Item #9.

ADJOURN:

20. ADJOURN

At 10:33 p.m. CM Claridge moved, seconded by Mayor Pro Tem Ashton to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary