

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 23, 2016**

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
BATTALION CHIEF GREG STOCKTON
EMC COORDINATOR JAMES MYRICK
FIRE MARSHALL APPOINTEE JOE JONES
PUBLIC WORKS SUPERINTENDENT FABIAN NEATHERY
PUBLIC WORKS SECRETARY CASSIE CURRY
EDC COORDINATOR PATRICIA WARD
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

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, August 23, 2016 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. MINUTES OF AUGUST 9, 2016 REGULAR COUNCIL MEETING

B. APPROVE MINUTES OF AUGUST 16, 2016 SPECIAL CALLED MEETING

C. APPROVE BILLS PAYABLE FOR PERIOD ENDING AUGUST 23, 2016 (FY 2016)

D. APPROVE RESIGNATION OF OFFICER RYAN URBANEK # 121

Mayor Pro Tem Ashton moved, seconded by CM Butler, to approve consent agenda items A, B, C, and D. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 CREATION OF THE ROFD FIRE MARSHAL'S OFFICE AND RECOGNITION OF THE ROFD FIRE MARSHAL'S OFFICE AS A TEXAS COMMISSION ON LAW ENFORCEMENT LICENSED AGENCY AND AUTHORIZE THE FIRE CHIEF TO COMPLETE THE REGISTRATION PROCESS TO GAIN RECOGNITION AS A TCOLE LICENSED ENTITY

Battalion Chief Greg Stockton presented the request to create a Fire Marshall's office within the River Oaks Fire Department. The proposed Fire Marshall, Joe Jones, would report directly to the Fire Chief. Mr. Jones has recently completed the police academy which is one of the requirements for a Fire Marshall. CM Scott mentioned a budget for training of \$1,000 to which BC Stockton replied would be funded from dollar donations. BC Stockton and CS Gregory indicated that the fire department would fund the supplies and continuing education this year but would be reconsidered in the next budget year. It was noted that this position is a volunteer position. Mr. Jones explained that policies and procedures must be in place in order to be recognized by the state. Mr. Jones stated that the City of Azle is similar in design and their documents meet the needs of River Oaks except for a pursuit policy which the River Oaks Police Department has provided. CA Elam noted that the references to Azle's personnel policy must be changed to River Oaks.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to create the River Oaks Fire Marshall's Office and adopt the proposal included substituting River Oaks where appropriate and authorize the Fire Chief to complete whatever else is necessary for registration. All vote "Aye."

8. DISCUSSION AND/OR ACTION ON RECOGNIZING JOE JONES AS THE RIVER OAKS FIRE MARSHAL UPON LICENSING OF THE AGENCY THROUGH THE TEXAS COMMISSION ON LAW ENFORCEMENT

This item was discussed concurrently with agenda item 7.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to recognize Joe Jones as the River Oaks Fire Marshall pursuant to further licensing of the agency. All voted "Aye."

9. CONSIDER APPROVAL OF THE EXCAVATION AND RIGHT-OF-WAY PERMIT FEE PURSUANT TO SECTION 13.06.008 "REGISTRATION FEES" OF THE RIVER OAKS CODE OF ORDINANCES AS SUBMITTED BY ZAYO FIBER OPTIC CABLE NETWORK

CS Gregory stated that the development / right of way excavation fee, according to the policy, is 2% of the project cost. In this case, the applicant has not submitted the project cost. The

applicant will bore the concrete underground through the parking lot. CA Elam requested the contract be subject to city attorney approval.

CM Holland moved, seconded by CM Gordon, to approve the right of way permit fee of 2% fee and right of way easement agreement subject to attorney approval. All voted "Aye."

10. APPROVE EMERGENCY PIPE-BUSTING OF THE SEWER LINE IN THE 5400 BLOCK OF AMHERST BY NO DIG TECH

Mayor Earwood mentioned the reoccurring sewer line issues, stating that a plan to replace the lines is necessary as well as the need for a public works director. CS Gregory indicated that information on the grant should be available by August 25, 2016.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve the emergency pipe-bursting of the sewer line in the 5400 Block of Amherst by No Dig Tech in the amount of \$32,132.50. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON PARTICIPATING WITH TARRANT COUNTY ACTION PLAN FOR WNV AS PRESENTED BY EMC MYRICK

EMC Myrick presented the request of Tarrant County to have aerial spraying as a last resort. EMC Myrick responded to an inquiry, stating that fish ponds and bees may be affected by the aerial spraying. Photos were shown of stagnant water conducive to mosquito breeding that have recently been abated by staff and EMC Myrick. EMC Myrick confirmed that the bills are being sent to the property owners for the abatement.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to participate with Tarrant County Action Plan for West Nile Virus. All voted "Aye."

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING CONTINUED:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED PROPERTY RE-PLAT IN THE **FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND** AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-05)**

This public hearing was continued from August 9, 2016.

Brad Inge, property owner, requested to re-plat 1.15 acres into three single-family residential lots. The lots would meet the minimum square footage requirements of 10,000 each. The development proposal would include a 21-foot dedicated easement on the south of the property that serve as a private street to access all three private driveways. Much discussion occurred related to the fact that the three homes would share an access point and potential future concerns. CA Elam suggested the proposed easement/private drive be constructed of concrete which must meet the thickness requirements to accommodate firetrucks. CS Gregory

mentioned a determination of completeness conducted by the City which would require: 1) a fire hydrant within 300 feet; 2) approval from 911 for the addresses; and 3) the plan to connect the other lots to the water and sewer – all due prior to development.

Angie Wilson, 808 Roberts Cut Off Rd., expressed concern that the development, particularly the private drive would increase the amount storm water drainage onto her property. Ms. Wilson explained that the other side of her property currently floods from the street drainage. It was explained that the drainage plan would be required prior to development. Mr. Inge suggested crowning her driveway which would force the water to drain.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED PROPERTY RE-PLAT IN THE **FOREST ACRES ADDITION BEING 1.157 ACRES OF LAND** AS REQUESTED BY THE RECORD OWNER(S), BRADLEY SMITH INGE AND PAM CRAIG INGE, RE-PLATTING THE EXISTING LOT 9A OTHERWISE KNOWN AS 812 ROBERTS CUT OFF INTO 3 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-1 SINGLE-FAMILY ZONING DISTRICT

CM Butler moved, seconded by CM Holland, to approve the proposed property re-plat in the Forest Acres Addition being 1.157 acres of land as requested by the record owners Bradly Smith Inge and Pam Craig Inge, re-platting the existing lot 9A otherwise known as 812 Roberts Cut Off into 3 separate individual residential lots in an R-1 single-family zoning district with a condition to the approval that when the easement is poured that it be of concrete and of sufficient strength to accommodate a firetruck. All voted "Aye."

14. PUBLIC HEARING CONTINUED: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

CA Elam stated that notice was given that possession would be gained on September 2, 2016.

Mayor Earwood announced that this public hearing would remain open and be continued on September 6, 2016 at 7:00 p.m.

15. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

16. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **603 HARRISDALE AVE.**

At 7:56 p.m. Mayor Earwood opened the public hearing.

Robert Waggoner requested additional time to allow a potential buyer to research the title and any existing mortgages.

Don Istook stated interest in purchasing the property with the intention to demolish the structure and rebuild a new home.

At 7:59 p.m. Mayor Earwood closed the public hearing.

CA Elam requested updated evidence be presented prior to taking action.

The public hearing was reopened and continued to September 6, 2016 at 7:00 p.m.

CM Holland requested staff expedite the process to re-present properties that have been delayed to the Council.

Staff will obtain evidence to present on September 6, 2016.

17. **ACTION FROM PUBLIC HEARING:** CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **603 HARRISDALE AVE.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

18. **PUBLIC HEARING:** SECOND PUBLIC HEARING ON 2016 TAX RATE PROPOSAL OF \$0.800000/\$100 OF PROPERTY VALUE

At 8:03 p.m. Mayor Earwood opened the public hearing.

CS Gregory quoted the effective tax rate at \$0.772843. CS Gregory presented the proposed the tax rate of \$0.80 which would produce total projected revenue of \$1,999,379. CS Gregory stated that overall property values have increased 12.3%.

At 8:07 p.m. Mayor Earwood closed the public hearing.

19. **ACTION FROM PUBLIC HEARING:** SCHEDULE THE DATE TO VOTE ON THE 2016 TAX RATE

CM Holland moved, seconded by CM Gordon, to set the tax rate on September 6, 2016 at 7:00 p.m. All voted "Aye."

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

20. CONSIDER APPROVAL OF **RESOLUTION # 868-2016** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2016-2017 FISCAL YEAR

BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

No discussion occurred.

CM Gordon moved, seconded by CM Butler, to approve Resolution #868-2016. All voted "Aye."

21. CONSIDER APPROVAL OF **ORDINANCE # 1119-2016** AMENDING ARTICLE 12.04, "SPEED", SPECIFICALLY IN SECTION 12.04.001 "MAXIMUM LIMITS NEAR SCHOOLS, CHURCHES, PARKS" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) ESTABLISHING A PRIMA FACIE MAXIMUM REASONABLE AND PRUDENT SPEED OF 20 MILES PER HOUR AT A.V. CATO ELEMENTARY FROM 3:00 P.M. TO 4:00 P.M. ONLY DURING SCHOOL DAYS; ESTABLISHING A PRIMA FACIE MAXIMUM REASONABLE AND PRUDENT SPEED OF 20 MILES PER HOUR FOR CASTLEBERRY ELEMENTARY SCHOOL ONLY DURING SCHOOL DAYS FROM 3:00 P.M. TO 4:00 P.M. POSTED ON THE "ONE-WAY" SIGN AT THE INTERSECTION OF TULANE AND ROBERTS CUT OFF RD.

CM Butler questioned the signage near A.V. Cato since the school is in Fort Worth. PC Carter stated that the streets affected are in River Oaks. CM Butler asked about school participation with funding of the signage. Mayor Earwood responded that the City sets speed limits.

PC Carter requested to add six signs at A.V. Cato to the bottom of existing school zone signs changing the speed limits and times to coincide with new school hours. PC Carter requested three signs and a one-way sign at around Castleberry Elementary.

CM Scott moved, seconded by Mayor Pro Tem Ashton, to approve Ordinance #1119-2016. All voted "Aye."

WORK SESSIONS:

22. FY 2016 (OCT. 1, 2016 TO SEPT. 30, 2017) BUDGET WORKSHOP

[At 8:15 p.m. Mayor Pro Tem Ashton left the dais.]

[At 8:18 p.m. Mayor Pro Tem returned to the dais.]

CM Holland presented the budget as proposed by the finance committee including the health insurance increase and salary increases. It was mentioned that change is imminent with the City absorbing some Fire Department cost. CM Holland mentioned that the final numbers decreased slightly once the numbers were received from Tarrant County on the \$0.80 proposed tax rate. It was suggested that small increases are more favorably received than waiting longer periods of time and implementing larger increases. CM Gordon mentioned that the residential garbage rate is near the top of the spectrum for area cities.

23. ACTION FROM WORK SESSION, IF ANY.

No action was taken.

STAFF REPORT:

24. STAFF REPORT ON SUBSTANDARD PROPERTIES

Secretary Stewart provided updates in the absence of the building inspector.

- 604 FRONTIER
- 5008 SHERWOOD
- 603 HARRISDALE
- 4900 ALMENA RD. – CA Elam gave an update, stating that the petition is prepared and CS Gregory has signed the affidavit which will be filed in a few days.
- 4829 KESSLER – Anticipated closing date of September 8, 2016. CA Elam stated that she provided the requestor with a detailed offer containing five elements to which the requestor responded to today. With no contact until today, CA Elam stated that her office has begun the process to prepare the order to request a hearing.
Citizen Greg Stockton expressed concern that this property is unsightly and unsanitary which is hindering the sale of his property. CA Elam confirmed that staff could proceed with mowing and maintaining the property and file a lien.
- 5905 BLACK OAK – CA Elam gave an update, stating that there is an agreed settlement with the owner requesting 60 days to take everything down and pay \$1,000 month for the attorney's fees. Suggested the council order remain open until compliance is met.
- 5909 BLACK OAK – refer to 5905 Black Oak.
- 1202 BANKS
- 619 HARRISDALE
- 5411 PURDUE
- 606 WORTHVIEW
- 901 CHURCHILL – progress check was postponed due to medical leave of the inspector. CM Holland requested staff follow up on this property.
- 5116 RIVER OAKS BLVD
- 5511 AMHERST – in compliance.
- 5513 AMHERST
- 1123 YALE
- 1505 GREENBRIER – new owner who has not contacted staff.
- 334 FRONTIER
- 610 WORTHVIEW
- 5600 TAYLOR

No action was taken.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

PC Carter stated that the new Tahoe has arrived.

PC Carter stated that an officer has resigned effective August 30, 2016.

PC Carter stated that an applicant is being consider to replace a dispatcher who has resigned.

PC Carter quoted some competitive salaries and benefits from area cities.

No action was taken.

26. FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE

BC Stockton gave a reminder of the "pushing in" ceremony for the new firetruck on September 3, 2016.

No action was taken.

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

No discussion occurred.

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

No discussion occurred.

29. 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

No discussion occurred.

30. 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

No discussion occurred.

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

No discussion occurred.

32. COMMUNITY CENTER ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

No discussion occurred.

33. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX

No discussion occurred.

34. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS

No discussion occurred.

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

No discussion occurred.

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

No discussion occurred.

PUBLIC FORUM:

37. 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**

PWS Neathery expressed gratitude for the flowers and support received with the recent passing of his father.

Patricia Ward reported meeting regularly with CS Gregory.

Mayor Pro Tem Ashton stated that NASJRB is holding the elected officials breakfast.

No action was taken.

EXECUTIVE SESSION:

38. 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. **Section 2.11 "Reappointment" of the Employee Personnel Policy regarding Police Department Personnel.**
- d. Section 551.076 Deliberation regarding security devices.

RECONVENE:

39. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

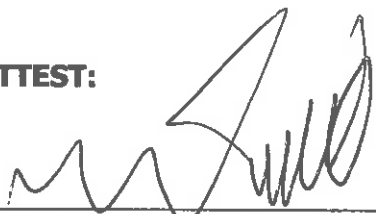
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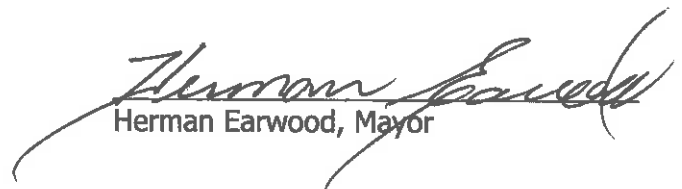
At 8:39 p.m. CM Gordon moved, seconded by Mayor Pro Tem Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor