

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 9, 2019**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER DARREN HOUK

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST 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

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, April 9, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Holland delivered the Invocation.

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

Mayor Pro Tem 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 MARCH 26, 2019 REGULAR CALLED MEETING

B. APPROVE MINUTES OF MARCH 18, 2019 JOINT MEETING WITH CISD SCHOOL BOARD

C. APPROVE MINUTES OF MARCH 23, 2019 JOINT EDC, ZONING COMMISSION AND COUNCIL WORKSHOP

D. APPROVE MINUTES FROM THE APRIL 2, 2019 TOWN HALL MEETING

E. APPROVE BILLS PAYABLE FOR PERIOD ENDING APRIL 9, 2019 (FY 2019)

F. APPROVE MAYOR'S RECOMMENDATION FOR HIRING OF PUBLIC WORKS EMPLOYEES

G. APPROVE WAIVER OF CONFLICT WITH TOASE FOR CONTRACT WITH AZLE FOR RADIO CAPACITY

H. CONSIDER APPROVAL OF ECONOMIC DEVELOPMENT AGREEMENT WITH NISH MEDITERRANEAN GRILL AT 4913 OHIO GARDEN RD. AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT CORPORATION.

CM Chisholm moved, seconded by CM Ashton to approve the Consent Agenda Items #A-H. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 AGREEMENT FOR LAND PROCUREMENT AS PRESENTED BY TODD BAKER AND JEFF THOMAS OF YMCA CAMP CARTER.

Todd Baker, Chief Property Officer and Jeff Thomas, Camp Carter Director were present. About a few years ago, Todd met with the city about the city procuring some land on the Camp Carter property for a River Oaks Animal Shelter. Then a couple of years ago, talked about the city procuring more land for a Community Center. The original location was over near the horse barn off of Harvard and Notre Dame. One location looking at right now is a vacant lot at 1219 Harvard which would allow easy access across the lot to the fenced in area behind it. The only negativity is it is located near residential housing on Harvard.

The second location is north of the horse barn off to one side in the field area that would be away from residents. There would be access to water and sewer at the first or second location mentioned.

The original land that was looked at could be used for the Public Works materials and equipment yard where the animal shelter was going to be located at. That piece of land can be fenced in and have the road extended from Meandering. If that is the case, Victory Church may be looking at purchasing the lot where the equipment and materials are currently stored.

Council agreed to bring back at a later date with pros and cons to each location.

8. CONSIDER APPROVAL OF QUOTE FROM TEXAS DAY NIGHT SECURITY FOR INSTALLATION OF NETWORK VIDEO STREAMING.

This system will be a two camera system and be on the website live. Eric Williamson with Texas Day Night Security recommends Angel Cam which is \$96.00 per year. The total cost for the cameras and installation is \$2,485.00. CS Gregory is in contact with the State Library on what the records retention schedule is for the video streaming.

Council agreed to bring back at a later date with the records retention schedule for video streaming and would like to see a visual of what residents will be seeing.

9. CONSIDER APPROVAL OF RENTAL AGREEMENT FOR A MILITARY SKILLED TRADES CAREER FAIR ON MAY 4, 2019 AS PRESENTED BY SHIRLEY WHEAT OF THE RIVER OAKS EVENT CENTER.

The Event Center was approached about two months ago by Lisa Rosser for a rental on May 4th for a Military Trades Career Fair. The deposit has already been paid for but the rental fee has not. Lisa would like to request a discounted fee for this rental.

This item will be brought back on the April 23, 2019 City Council Meeting for answers to specific questions.

10. DISCUSSION AND/OR ACTION ON WAIVING RENTAL FEES TO HOLD CANDIDATE & SPECIAL MEASURES FORUM IN THE EVENT CENTER ON APRIL 16, 2019.

Every year, Shirley Wheat has been personally renting the Event Center to hold a candidate forum. Mayor Earwood asked for this to be on the agenda to request rental fees be waived.

Mayor Pro Tem Holland moved, seconded by CM Chisholm to approve waiving the fees for the April 16, 2019 Candidate & Special Measures Forum and to note the City of River Oaks has no involvement. All voted "Aye".

11. CONSIDER APPROVAL OF CONTRACT WITH EXTREME PYROTECHNICS REGARDING THE ALL AMERICAN FESTIVAL FIREWORKS DISPLAY AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT CORPORATION.

The Economic Development Corporation approved this last night. This is a three year contract at a cost of \$5,500.00 each year. Victory Church has donated \$2,500.00 to go towards the fireworks for this year. Victory Church is holding a free festival to the public.

CM Ashton moved, seconded by CM Chisholm to approve the three year contract with Extreme Pyrotechnics at \$5,500.00 each year. All voted "Aye".

12. CONSIDER APPROVAL OF COMMERCIAL SALES AGREEMENT FROM JOHNSON CONTROLS TO UPGRADE THE WATER PLANT ALARM MONITOR.

This system is a 1993 system and needs to be upgraded. The current monitoring cost is approximately \$2,518.73 annually. With the new upgraded system, the cost would be \$1,908.00 annually which is a \$610.73 annual savings. This upgraded system allows the system to be monitored from a smart phone.

CM Ashton moved, seconded by CM Chisholm to approve the commercial sales agreement with Johnson Controls. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING CONTINUED FROM MARCH 26, 2019: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD/DANGEROUS BUILDING ENFORCEMENT ACTION ON PROPERTY LOCATED AT 928 LYDICK LANE PURSUANT TO SECTIONS 3.07.004 AND 3.07.012 OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED.

This Public Hearing was continued from the March 26, 2019 City Council Meeting.

CA Elam has been in contact with the bank and they have no objection of demolishing. The house has been un-boarded daily for the past seven days so the owner can get her belongings. The house has been boarded back up at the end of each day. The City has looked at several different avenues of help for the owner but has not had any luck about getting help for her. Right now the owner is staying with someone.

At 8:04 p.m., Mayor Earwood closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 928 LYDICK LANE 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.

Mayor Pro Tem Holland moved, seconded by CM Butler to move that the City Council find that the building(s) located at 928 Lydick Lane based on evidence presented at the hearing is Substandard and: 1) that the conditions set forth in the Building Official's report exist to the extent that the life, health, property or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the building(s) is/are feasible of repair and therefore order the buildings to be repaired by the owner within 30 days of the lienholder or mortgagee to within an additional 30 days if the owner does not comply; and 3) order that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2006) as amended or demolished by the owner and the debris removed within 30 days or by the lienholder or mortgagee to within an additional 30 days if the owner does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and 4) order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finaled until all substandard fees are paid in full. And to authorize staff to demolish the building(s) earlier if the owner agrees in writing and the city will place a mechanics lean on the property. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1226-2019 AMENDING CHAPTER 2, "ANIMAL CONTROL", OF THE RIVER OAKS CODE OF ORDINANCES (2006), AS AMENDED; AMENDING THE REGULATIONS OF ANIMALS TO PROVIDE A DEFINITION FOR FERAL AND STRAY ANIMALS.

This Ordinance provides a definition of feral and stray animals.

CM Butler moved, seconded by CM Chisholm to approve Ordinance #1226-2019. All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1227-2019 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES" SPECIFICALLY IN SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY", UNDER SECTION A.02.002(C)6 "ROOFING CONTRACTORS" OF THE CODE OF ORDINANCES REQUIRING PERMITS AT NO CHARGE FOR TRACKING PURPOSES.

If no permits are required for roofing, it will create a tracking problem. Recommendation is to have the contractor get a permit but there is no charge for it. Contractor will still have to register with the city which was passed at a previous meeting. The major thing with this whole Ordinance is requiring a Certificate of Insurance which will protect the homeowners.

CM Ashton moved, seconded by CM Butler to approve Ordinance #1227-2019. CM Houk removed himself from this vote; therefore, there are four "Aye's". Motion passed.

17. CONSIDER APPROVAL OF ORDINANCE #1228-2019 BY EXPANDING THE FY 2018-2019 GENERAL FUND BUDGET EXPENDING PARK DONATION FUNDS FOR PARK MAINTENANCE & PURCHASING A FIELD LEVELING MACHINE FOR BALLFIELDS.

There are three requests which total \$10,500.00 from the \$1 Donation Fund which were approved by the Park Board on April 4, 2019. The first request is to replace the existing chain link fence, gates and post at the large field at McGee Park from the baseball dugout to the north corner of the existing fence and also to replace two gates at the small field. The cost for this is \$5,643.00. The second request is to replace 5' x 10' of panel on the McGee Park sign that was damaged by a windstorm. This request also includes adding additional steel support between the current supports. The cost for this is \$960.00. The third request is to purchase a pre-owned Toro field rake for maintaining the infields on both baseball fields at the park. This unit will be checked out by or mechanic and director before final purchase. The cost for this is \$3,500.00.

The sign was installed about eight months ago but we had gotten 70 mph winds which damaged the sign.

CM Ashton moved, seconded by CM Chisholm to approve Ordinance #1228-2019. All voted "Aye".

18. CONSIDER APPROVAL OF RESOLUTION #961-2019 CERTIFYING ACCEPTANCE OF THE PHASE I SEWER IMPROVEMENT PROJECT UNDER CWSRF PROJECT #73749.

This item was moved to after Item #19.

This will close out the Phase I Sewer contract which is recommended by the City Engineer. There were 41,351 linear feet installed; 107 manholes replaced; and 734 service reconnections. The final completed contract is \$3,565,640.90.

CM Ashton moved, seconded by CM Chisholm to approve Resolution #961-2019. All voted "Aye".

19. CONSIDER APPROVAL OF RESOLUTION #962-2019 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2020 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (FIRST READING).

This item was moved to before Item #18.

The proposal that was approved by EDC last night is a 1 1/2 % (1/2% EDC & 1% City) for six years and the seventh year and final year at 1% (1/2% EDC & 1/2% City). This agreement caps the annual sales tax at \$15,000 based on \$1,000,000 in sales as what the owner projected. If the sales are less than \$1,000,000 at 1 1/2%, the amount would be less than \$15,000 and the rest would go to the City.

Mayor Pro Tem Holland moved, seconded by CM Chisholm to approve the first reading of Resolution #962-2019. All voted "Aye".

PUBLIC FORUM:

20. 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**

PC Spieldenner-donations are currently being accepted to the Friends of the River Oaks Animal Shelter Account (501c3) to fund building an animal shelter. In the 5000 block of River Oaks Blvd, police has seized four eight liners. The new owner of the convenient store could be facing criminal prosecution.

Mayor Pro Tem Holland-excited about the opening of Nish Mediterranean Grill.

CM Ashton-Jewell Carpenter (Nancy Crews' mother) passed away at 98 years old. Her husband passed away a couple of years ago and he was on the school board for years.

CM Chisholm-thanked Shirley Wheat for having the Humane Society provide a service at the Event Center today.

EXECUTIVE SESSION:

21. 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 complaint or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

NONE

RECONVENE:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

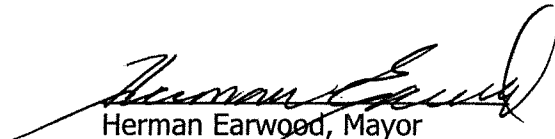
NONE

ADJOURN:


23. ADJOURN

At 8:42 p.m. CM Ashton moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary