

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 10, 2020**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
FIRE CHIEF RUSSELL SHELLEY
POLICE CHIEF CHRIS SPIELDENNER
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BETSY ELAM

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, November 10, 2020 at the River Oaks Event Center, 5300 Blackstone Drive, 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. PUBLIC TESTIMONY: CITIZENS TO SPEAK ON ANY TOPIC OR ANY AGENDA ITEM BEFORE AN DURING THE MEETING BY RAISING YOUR HAND TO BE RECOGNIZED; 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 THAT ISSUE, AND NO COUNCIL DELIBERATION IS PERMITTED FOR TOPICS NOT SPECIFICALLY LISTED ON THIS AGENDA.

NONE

At this time, Mayor Earwood skipped to #8.

FC Shelley recognized several responders. On September 29, 2020, CISD Teacher Roger Guajardo was in the hallway when he experienced a sudden cardiac arrest event. School Nurse

Cynthia Randle and CISD Officer Frank Valdez responded to the commotion and recognized that Mr. Guajardo was in cardiac arrest. CPR was initiated, the AED was deployed, and 911 was called to get first responders on the scene. Engine 13 arrived on scene with Lt. Eugene Yedinak, Engineer Thomas McCord, and Firefighter Jordan Stewart and continued basic life support care. Medstar arrived on scene with Paramedic Wesley Thompson and EMT Jeffrie Gonzales. Advanced cardiac life support was initiated, and the patient was transported to the hospital where he made a full recovery and is here tonight.

FC Shelley presented Life Saving Awards to all responders that were involved. CISD Police Chief Tony Provencio presented an award to Officer Frank Valdez. Roger Guajardo thanked the City of River Oaks, CISD, Medstar, others who were not in attendance today, and his family for being here. Mr. Guajardo's wife thanked all on behalf of her family.

At 7:15 p.m., Mayor Earwood called for a recess.

At 7:22 p.m., Mayor Earwood reconvened back into open session.

6. **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 OCTOBER 27, 2020 REGULAR CALLED COUNCIL MEETING
- B. APPROVAL BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 10, 2020 (FY 2021)
- C. APPROVE E.D.C. 4TH QUARTER FINANCIAL REPORT (JULY 1-SEPTEMBER 30, 2020)
- D. APPROVE CRIME DISTRICT (CCPD) 4TH QUARTER FINANCIAL REPORT (JULY 1-SEPTEMBER 30, 2020)
- E. APPROVE 4TH QUARTER CITY INVESTMENT REPORT (JULY 1-SEPTEMBER 30, 2020)

Mayor Pro Tem Ashton moved, seconded by Member Claridge to approve the Consent Agenda Items #A-E. All voted "Aye".

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

NONE

PERSONAL APPEARANCES AND/OR ITEMS REQUIRING COUNCIL APPROVAL/ACTION

8. LIFE SAVING AWARD PRESENTATION TO FIRST RESPONDERS AND CASTLEBERRY INDEPENDENT SCHOOL DISTRICT STAFF.

This item was done after Item #5.

9. DISCUSSION AND/OR ACTION ON REQUEST BY CLAIRE MAKARWICH OF KIDS R LUV AT 1107 ROBERTS CUT OFF ROAD REGARDING ASSISTANCE WITH PARKING PROBLEMS IN THE 1100 BLOCK OF ROBERTS CUT OFF ROAD.

Claire Makarwich was present. Needs help with the parking situation in the 1100 Block of Roberts Cut Off Road. Reyes Boxing patrons ignore the parking. Talked with Mr. Reyes to ask the patrons not to park in certain spots and even offered to open her side lot for his patrons to park. Signs were put on the cars but were ignored. Parents drop their kids off for boxing and immediately leave before the kids are inside the building which is not safe. The boxing patrons leave the parking lot and the yard a mess on Claire's side. The owner of the building that the boxing business leases was contacted today. It was suggested of posting signs saying their vehicle will be towed, but the issue is the vehicles are not there long enough to get a wrecker on site. Mrs. Makarwich would like the occupancy load checked at Reyes Boxing. Council agreed that city staff with check into options and get back with Mrs. Makarwich.

10. CONSIDER APPROVAL OF THE FIRST AMENDMENT TO TARRANT REGIONAL WATER DISTRICT ADDITIONAL PARTY RAW WATER SUPPLY CONTRACT-MUNICIPAL BETWEEN THE TARRANT REGIONAL WATER DISTRICT AND THE CITY OF RIVER OAKS, TEXAS.

Wayne Owen of Tarrant Regional Water District was present. There have been periodically high levels of Manganese and we are unable to treat the raw water in accordance to the TCEQ rules and regulations. Therefore, we must periodically shut down the plant and use treated water from our emergency connections with the City of Fort Worth. According to our contract with TRWD, we must pay a settle-up fee for not meeting the contract minimum of raw water diversion annually from the reservoir. We are not only having to pay the City of Fort Worth for water, but also, we are having to pay a settle-up fee that this year was \$56,756.45 because of no fault of our own. The TRWD Board has agreed to amend the contract that would give us credit for the raw water that goes through the Fort Worth meter and that amount would be credited to us on our raw water diversion amount. TRWD will take this to their board for approval on November 17, 2020.

CM Holland moved, seconded by CM Houk to approve the first amendment to Tarrant Regional Water District. All voted "Aye".

11. CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) WITH YMCA OF METROPOLITAN FORT WORTH REGARDING THE PROGRAM "Y ON THE FLY" AGREEMENT FOR SITE PROGRAM AS PRESENTED BY JESSICA BRUDA, EXECUTIVE DIRECTOR.

Jessica Bruda was present. This is a new program that provides access to free meals to the youth (under 18 yrs old) if they do not have transportation. This program is one afternoon a week and would like to utilize the Event Center for the space. This is only for CISD youth and will start the first week of December 2020.

CM Houk moved, seconded by CM Claridge to approve the MOU with YMCA as presented. All voted "Aye".

12. CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN TWO LAW ENFORCEMENT AGENCIES REGARDING 24/7 COVERAGE AND FEDERAL CRIME REPORTING DATA.

This is a standard agreement.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the MOU between two law enforcement agencies. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON THE PROPOSED SITE PLAN APPLICATION AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE #1286-2020 FOR PROPERTIES ZONED COMMERCIAL IN ORDER FOR JON EVANS TO CONSTRUCT A NEW 5,915 SQUARE FOOT RETAIL BUILDING ON 0.5-ACRE LOT IN A C-3 COMMERCIAL ZONING DISTRICT WITHIN THE ROCKWOOD TERRANCE ADDITION LOCATED AT 2619 AND 2621 JACKSBORO HIGHWAY. (ZONING CASE #PZ 2020-0005).

At 7:55 p.m., Mayor Earwood opened the Public Hearing.

Jon Evans was present. The Planning and Zoning Commission approved this on November 2, 2020. The plan is to build a strip center with five individual retail spaces. The donut shop that currently exists will be demolished. This plan meets all regulations. Parking should not be an issue.

At 8:00 p.m., Mayor Earwood closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED SITE PLAN APPLICATION RECOMMENDED BY THE PLANNING AND ZONING COMMISSION AND AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE #1286-2020 FOR PROPERTIES ZONED COMMERCIAL IN ORDER FOR JON EVANS TO CONSTRUCT A NEW 5,915 SQUARE FOOT RETAIL BUILDING ON 0.5-ACRE LOT IN A C-3 COMMERCIAL ZONING DISTRICT WITHIN THE ROCKWOOD TERRANCE ADDITION LOCATED AT 2619 AND 2621 JACKSBORO HIGHWAY. (ZONING CASE #PZ 2020-0005).

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Zoning Case #PZ 2020-0005 as presented. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1296-2020 ADOPTING ANDREW VOGEL AS THE JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF RIVER OAKS.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1296-2020. All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1297-2020 APPOINTING CECILIA A. THOMAS AND JIM MINTER AS THE ASSOCIATE JUDGES OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF RIVER OAKS.

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1297-2020. All voted "Aye".

17. CONSIDER APPROVAL OF RESOLUTION #1030-2020 TO CONTINUE, AMEND, RESCIND OR SUPERSEDE PREVIOUS LOCAL DISASTER ORDERS, IF ANY, REGARDING COMMUNITY CENTER RENTALS AND/OR COMMUNITY YARD/GARAGE SALES.

We have suspended yard sale permits because the virus is increasing until a council meeting could be held. Also, rentals at the Event Center is being requested to re-open. Staff feels both need to be on hold right now because of the increase in numbers. This resolution will extend both yard sales and rentals until further notice.

CM Holland moved, seconded by CM Chisholm to approve Resolution #1030-2020. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

18. DISCUSSION AND/OR ACTION REGARDING UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, PANDEMIC EXECUTIVE ORDERS, CENSUS 2020, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

Commissioners Court did pass the TIRZ participation today. The College District will present it to their Board on December 10, 2020 for approval.

Official election votes have not been received yet. The plan is to canvass on November 17, 2020.

CORRESPONDENCE:

19. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Houk-on a personal note, son got accepted to sea school but will not be able to be home for Christmas.

CM Holland-would like a six-month report on the new water policy. Questioned the new water policy on 60 years and older. They can charge a cut off fee but no late fees. Is Lake Worth Library offering free library cards. Yes, they are, and it is forceable in the future.

CM Chisholm-appreciates the confidence of the River Oaks citizens.

Mayor Earwood-this is the last official meeting after serving a total of 21 ½ years in city government with 17 years as Mayor.

EXECUTIVE SESSION:

20. 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:

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

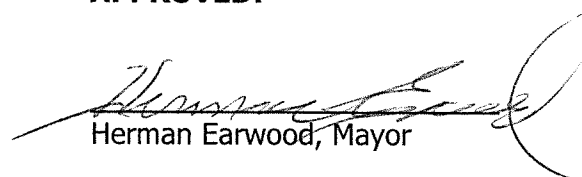
NONE

ADJOURN:

22. ADJOURN

At 8:13 p.m., CM Holland moved, seconded by Mayor Pro Tem Ashton to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary