

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
APRIL 27, 2021**

MEMBERS PRESENT:

MAYOR JOE ASHTON
MAYOR PRO TEM DARREN HOUK
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER YOLIE RODRIGUEZ
COUNCIL MEMBER STEVE HOLLAND

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BETSY ELAM
EMERGENCY MGT JAMES MYRICK
EVENT CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, April 27, 2021 at River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Houk delivered the Invocation.

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

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

Mayor Ashton thanked Mayor Pro Tem Houk for filling in while he was out.

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

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 APRIL 13, 2021 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING APRIL 27, 2021 (FY 2021)
- C. APPROVE EDC QUARTERLY REPORT (JANUARY 1-MARCH 31, 2021)
- D. APPROVE CCPD QUARTERLY REPORT (JANUARY 1-MARCH 31, 2021)
- E. APPROVE STORM WATER FUND QUARTERLY REPORT (JANUARY 1-MARCH 31, 2021)
- F. APPROVE 2ND QUARTER INVESTMENT REPORT (JANUARY 1-MARCH 31, 2021)
- G. APPROVE SERVICE CONTRACT WITH STATE THROUGH TXDMV FOR ACCESSING TEXAS MOTOR VEHICLE RECORDS

CM Chisholm moved, seconded by CM Holland to approve the Consent Agenda items A-G. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. DISCUSSION AND/OR ACTION REGARDING COMPLAINT PETITION "NOTRE DAME AVENUE" AS BEING PRESENTED TO THE CITY COUNCIL BY MARK DAVIS AT 5307 NOTRE DAME.

Mark Davis requested that this item be withdrawn from the agenda.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

9. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY JUANITA NUNEZ TO REZONE BLOCK 4, LOT 23R IN THE ROCKWOOD TERRACE ADDITION OTHERWISE KNOWN AS 1813 LONG AVENUE IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "PD" PLANNED DEVELOPMENT ZONING DISTRICT TO A "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SECTION 10 OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED. (ZONING CASE #PZ 2021-0004 RZ).

At 7:05 p.m., Mayor Ashton opened the Public Hearing.

Juanita Nunez is present. Ms. Nunez came in for a re-plat and it was determined this lot is zoned Planned Development. There is only one residential house on this lot. The request is to change the zoning to R-3 Single Family. The Planning and Zoning Commission voted 5 to 0 to approve the request. There was no opposition. This will make the lot with the house about an acre and the other lot about two acres.

At 7:07 p.m., Mayor Ashton closed the Public Hearing.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1307-2021 REZONING BLOCK 4, LOT 23R IN THE ROCKWOOD TERRACE ADDITION OTHERWISE KNOWN AS 1813 LONG AVENUE IN RIVER OAKS, TARRANT COUNTY, TEXAS AS REQUESTED BY JUANITA NUNEZ FROM A "PD" PLANNED DEVELOPMENT ZONING DISTRICT TO A "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SECTION 10 OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED. (ZONING CASE #PZ 2021-0004 RZ).

CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Ordinance #1307-2021. All voted "Aye".

11. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY JUANITA NUNEZ ON THE PROPOSED REPLAT APPLICATION IN ORDER TO SUBDIVIDE 2.8920 ACRES OF LAND IN THE ROCKWOOD TERRACE ADDITION AND ONCE SUBDIVIDED TO BECOME TWO SEPARATELY PLATTED "R-3" SINGLE FAMILY RESIDENTIAL LOTS. (ZONING CASE #PZ2021-0005).

At 7:09 p.m., Mayor Ashton opened the Public Hearing.

Juanita Nunez is present. The existing lot with the house will be Lot 23R2. The existing house was built in 2005 before the Flood Insurance Rate Map was revised. The only corrections needed in the re-plat is that the building setbacks are 30-feet not 40-feet and side setbacks would be 5-feet to meet the R-3 requirements.

The vacant lot will be Lot 23R1. The lot will be 276.01 feet long and its narrowest point by 250 feet wide along the street and will meet the R-3 requirements for the front, side, and rear yard setbacks. According to the Flood Insurance Rate Map, a portion of the newly subdivided lot is in the Zone X flood area that is a 2% annual chance of floods, and an area of 1% annual chance of floods with average depths of less than 1-foot or with drainage areas less than 1 square mile. According to the re-plat there is an area designated on the re-plat on both sides of the creek across the property that is zoned "AE" as of March 31, 2019 that is in the zone where base flood elevations have been determined. The floodways will impact when building a new residential structure requiring having to obtain a special flood plain permit and must be engineered designed to build but does not impact the property itself from being re-platted. The only corrections needed to the re-plat is that the front building setbacks are 30-feet not 40-feet and side setbacks would be 5-feet to meet the R-3 requirements. The Planning and Zoning Commission voted 5 to 0 to approve the request.

At 7:16 p.m., Mayor Ashton closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION SUBMITTED BY JUANITA NUNEZ IN ORDER TO SUBDIVIDE 2.8920 ACRES OF LAND IN THE ROCKWOOD TERRACE ADDITION AND ONCE SUBDIVIDED TO BECOME TWO SEPARATELY PLATTED "R-3" SINGLE-FAMILY RESIDENTIAL LOTS. (ZONING CASE #PZ2021-0005).

CM Holland moved, seconded by Mayor Pro Tem Houk to approve the re-plat request with the Planning and Zoning Commission corrections. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF THE MID-YEAR FY 2020-2021 OPERATIONAL CITY BUDGETS AS PRESENTED BY THE CITY MANAGER AND APPROVAL OF ORDINANCE #1308-2021 AMENDING THE FY 2020-2021 FISCAL YEAR BUDGETS.

There were a few areas that budget amendments were needed in General Fund: Equipment Upgrades in the amount of \$32,000.00 to cover the over budgeted amount and the desktop police computers that need to be replaced; Computer Support Maintenance in the amount of \$9,500.35 to cover additional costs; Park Small Equipment Repairs in the amount of \$4,000.00 to replace the hydraulic pump on the ball field groomer.

In the Water Sewer Fund: requested is a budget transfer of \$15,000.00 from the Sewer Department to the Water Distribution Department to cover account shortfalls.

CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Ordinance #1308-2021. All voted "Aye".

14. CONSIDER APPROVAL OF ORDINANCE #1308-2021 AMENDING CHAPTER 3 "BUILDING REGULATIONS" ARTICLE 3.12 "SIGNS" IN SECTION 3.12.135 "POLITICAL SIGNS" SPECIFICALLY IN SUBSECTION (c)(1) ESTABLISHING THE REASONABLE REGULATION OF ELECTIONEERING ON PUBLIC PROPERTY USED AS A POLLING PLACE, BY RELOCATING THE ELECTIONEERING ZONE THAT WAS PROVIDED FOR AS EXHIBIT A TO ORDINANCE #1022-2014 THAT IS NOW LOCATED WITHIN 100-FEET OF THE POLLING PLACE IN VIOLATION OF THE ELECTION CODE AND SHALL BE RELOCATED.

Since the polling site has changed from City Hall to the Annex Building, the electioneering zone needs to be relocated. There is now a space marked off on the west side of the Annex Building that is marked off for the electioneering zone and the zone also includes four parking spaces on the other side of the bus stop in front of the Police Department. The median in front of City Hall is full of political signs (none of which are CISD and City Council candidates). That area is owed by TXDOT therefore the signs are placed there illegally. Our City Attorney advised us not to move the signs but to contact TXDOT for them to move them if they choose to.

Mayor Pro Tem Houk moved, seconded by CM Claridge to approve Ordinance #1308-2021. All voted "aye".

15. CONSIDER APPROVAL OF ORDINANCE #1310-2021 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES"; SPECIFICALLY IN SECTION A.02.002 "REGISTRATION OF CONTRACTORS GENERALLY" SPECIFICALLY IN (6) "ROOFING CONTRACTORS" BY REVISING THE REQUIREMENTS OF ROOFING CONTRACTORS EXEMPTING THEM FROM PERMITTING AND INSPECTION PROCEDURES FOR RE-ROOFING EXCEPT WHEN INVOLVING CERTAIN STRUCTURAL REPAIRS.

There seems to be a misunderstanding with staff as to permitting for registered roofing contractors. The Ordinance states even though a roofing contractor has paid for their annual registration, they will have to pull a permit at no cost. Non-registered roofers will have to pull and pay for permits for each job plus get city inspections on the properties. If there is 25% of roof decking being replaced, regardless a permit must be pulled because it is considered structural. CM Gregory recommends to not do roofing inspections since there is not much to inspect.

No action taken. Will bring back to not to require roofing permits and/or inspections.

16. DISCUSSION AND/OR ACTION ON ADOPTING RESOLUTION #1044-2021 FOR THE CONTINUATION, MODIFICATION OR REVISION OF LOCAL DISASTER AND ORDER OF THE MAYOR OF THE CITY OF RIVER OAKS REGARDING THE CORONAVIRUS PANDEMIC.

Tarrant County has not changed their mask mandate order. If the mask mandate is removed on city buildings, the disaster order will remain in effect for funding purposes.

Mayor Pro Tem Houk moved, seconded by CM Claridge to remove the mask mandate in city buildings but to recommend the wearing of masks which is optional. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

17. DISCUSSION AND/OR ACTION PERMITTING USE OF ALCOHOLIC BEVERAGE SAMPLES BEING MADE AVAILABLE TO EVENT PARTICIPANTS AT NO CHARGE FOR AN OUTSIDE POP-UP EVENT AS REQUESTED FOR BY YOLIE RODRIGUEZ ON THE PROPERTY AT THE RIVER OAKS EVENT CENTER.

CM Rodriguez excused herself from this item and abstained from voting. Lonnie was present to speak regarding this item. Pop-up events have free samples of alcoholic beverages. They do follow TACB rules. Restaurants can come and vendors can come who sell machines to hand out samples. The samples are limited, and they will card the person requesting the sample. Council agreed since this is samples and not considered drinking, an officer will not have to be present.

Mayor Pro Tem Houk moved, seconded by CM Claridge to approve handing out free samples of alcoholic beverages at the pop-up events at the Event Center. All voted "Aye".

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, SCHEDULING COUNCIL WORK SESSIONS, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

Personnel-hired one person in Public Works but still several openings left. Police Dispatcher has resigned.

Street Improvements-Ohio Garden has been asphalted and was working on Merritt but the contractor pulled out today to go to another job in another city. Part of Long is being blocked off for utility work.

Winter Disaster-received \$58,580.55 from TML.

Census 2020-informed that the numbers may already be in.

Fireworks Show-EDC approve spending only \$5,300.00 which is what was budgeted. The cost of the fireworks has gone up so the show will be less this year. Victory Church agreed for us to shoot them off behind their building like we always have. Victory Church is planning on a free festival on the same day. Will be meeting with the church leadership this week.

Crud Mobile-May 1st from 9 am-11 am in front of the Police Department.

Car Show-May 1st from 11 am to 3 pm at the Event Center. A food truck will be available for breakfast and lunch.

Filming-Jarod with Fly Rock Media will be filming the series Vindication in the council chambers on May 7th.

Voting-early voting ended tonight at 7 pm. May 1st is voting day from 7 am to 7 pm.

Mayor Ashton requested that we do not schedule the crud mobile the same day as election day.

STAFF REPORTS:

19. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 5901 BLACK OAK LANE-walk thru inspection this Wednesday.
- 636 SCHIEME-no contact.
- 5416 PURDUE-no contact.
- 1513 SKYLINE-no contact.
- 5958 BLACK OAK-going to sell.
- 5962 BLACK OAK-going to sell.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

21. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.
 22. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.
 23. **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
 24. **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
 25. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
 26. **EVENT CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
- Shirley Wheat asked if the candidates that were present tonight want a watch party on election night. Candidates agreed not to have the watch party.
27. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
 28. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.
 29. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
 30. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

CORRESPONDENCE:

31. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Holland-good site to see fresh asphalt on the roads. Pushing more on having the flashing yellow lights fixed.

CM Rodriguez-alot of positive comments received about the pop-up events and some vendors never heard of River Oaks. These events are helping put River Oaks back on the map in a good

way. Trying to hold these events twice a month. Social media is the current method of advertising.

Mayor Ashton-Thompson Cemetery which is located behind Panera Bread in Westworth Village is holding a dedication ceremony for a historical marker on May 15th at 10:00 am.

EXECUTIVE SESSION:

32. 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:

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

ADJOURN:

34. ADJOURN

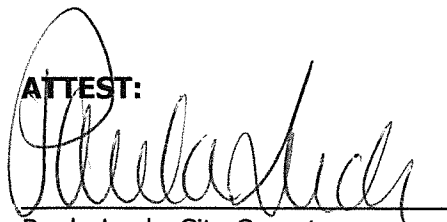
At 8:15 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor

ATTEST:



Paula Luck, City Secretary

**COUNCIL MEMBER AFFIDAVIT OF ABSTENTION FROM PARTICIPATION AND VOTING
DUE TO CONFLICT OF INTEREST**

Date: April 27, 2021

I, Yolie Rodriguez, do hereby affirm that I may have a conflict of interest pursuant to
(Member Name)

Item # 17 on the April 27, 2021 City Council Agenda as follows:

DISCUSSION AND/OR ACTION PERMITTING USE OF ALCOHOLIC BEVERAGE SAMPLES BEING MADE AVAILABLE TO EVENT PARTICIPANTS AT NO CHARGE FOR AN OUTSIDE POP UP EVENT AS REQUESTED FOR BY YOLIE RODRIGUEZ ON THE PROPERTY AT THE RIVER OAKS EVENT CENTER.

BY: Yolie Rodriguez
(Name of Council/Board Member)

Place 4 City Council Member

Y. Rodriguez
(Signature of Council/Board Member)

DATE: 4/27/21

TIME: 6:58pm

NOTARY SEAL:

Notarized the above signature of Yolie Rodriguez this the 27th day of April 2021
(Council/Board Member)

[Signature]
Notary Signature

FILED WITH THE CITY SECRETARY ON THIS 27th DAY OF APRIL 2021 AT 7 P.M.

[Signature]
River Oaks City Secretary

