

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 11, 2021**

MEMBERS PRESENT:

MAYOR JOE ASHTON
MAYOR PRO TEM DARREN HOUK-7:03 p.m.
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOHN CLARIDGE

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
PUBLIC WORKS DIRECTOR GORDON SMITH
EVENT CENTER DIRECTOR SHIRLEY WHEAT
BUILDING INSPECTOR STEVE SANDERS

ABSENT:

COUNCIL MEMBER YOLIE RODRIGUEZ-excused

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, May 11, 2021 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Ashton delivered the Invocation.

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

CM Claridge led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR.

Mayor Ashton presented a Certificate of Appreciation to CASTLEBERRY ISD. Dr. John Ramos was present to accept the Certificate. The Certificate of Appreciation for Burgers Lake will be postponed to May 25, 2021.

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 27, 2021 REGULAR CALLED COUNCIL MEETING
- B. APPROVAL BILLS PAYABLE FOR PERIOD ENDING MAY 11, 2021 (FY 2021)

CM Claridge moved, seconded by CM Chisholm to approve the Consent Agenda Items #A-B. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. CONSIDER APPROVAL OF AMENDED MANAGED SERVICES AGREEMENT WITH AMERICAN INTEGRATION dba VERSA TRUST FOR MANAGED INFORMATION TECHNOLOGY COMPUTER SERVICE.

This amendment is a fixed rate of \$7,600.00 a month. Currently we are exceeding this amount per month. This monthly fixed rate will not include special projects. This agreement will have a 60-day notice to terminate.

CM Claridge moved, seconded by CM Chisholm to approve the amended agreement selecting Option #6 Complete Care DiD Managed Services. All voted "Aye".

9. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF FORT WORTH AND THE CITY OF RIVER OAKS TO INCORPORATE DISPATCHING SERVICES FOR RIVER OAKS INTO FORT WORTH'S PUBLIC SAFETY ANSWERING POINT (PSAP) FOR ALL CALLS RELATED TO FIRE PROTECTION, EMERGENCY MEDICAL, AND RESCUE SERVICES.

We have a current contract with Tarrant County Fire Alarm which is relocating to Everman therefore we would have to increase our radio capabilities to continue to use their service. The costs are comparable to the startup costs with the City of Fort Worth. The dispatch fee with the City of Fort Worth is \$30.00 per call which would estimate \$34,000.00 a year. There are some upfront onetime costs. Invoices will be sent out every 90-days. The City Attorney has reviewed the contract and ok'd it. We would only be billed for River Oaks calls only.

CM Claridge moved, seconded by CM Chisholm to approve the interlocal agreement with the City of Fort Worth. All voted "Aye".

10. CONSIDER APPROVAL OF ORDINANCE #1312-2021 ABANDONING 342 SQUARE FEET OF THE PUBLIC RIGHT-OF-WAY IN THE REAR OF THE PROPERTY AT 4710 RIVER OAKS BLVD. TO BE PURCHASED FROM THE CITY BY JOLLY DREAMS CORPORATION IN ORDER TO LOCATE A NEW CONVENIENCE STORE WITHIN 17-FEET OF THE REAR PROPERTY LINE.

The building needs to be moved back 3 feet for the gas pumps, gas tanks, and drainage culvert. Mr. Walia is purchasing 3' x 114' from the city but the city needs to abandon this piece which is what this Ordinance does so it can be sold to Mr. Walia. The Zoning Board of Adjustments has approved the setback requirement.

CM Chisholm moved, seconded by CM Claridge to approve Ordinance #1312-2021. All voted "Aye".

11. CONSIDER APPROVAL OF REVISED ENCROACHMENT AGREEMENT BETWEEN THE CITY OF RIVER OAKS AND JOLLY DREAMS CORPORATION GRANTING PERMISSION TO ENCROACH UPON, USE AND OCCUPY A PORTION OF THE CITY'S RIGHT-OF-WAY PROPERTY LOCATED IN THE REAR OF THE PROPERTY AT 4710 RIVER OAKS BLVD. FOR THE PURPOSE OF PROVIDING A PAVED ACCESS ROAD TO ACCOMMODATE THE CONVENIENCE STORE TO BE LOCATED THERE.

The Zoning Board of Adjustments has granted the variance and we must revise the encroachment agreement to 17 feet.

CM Claridge moved, seconded by CM Chisholm to approve the revised encroachment agreement. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

12. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED 2021 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN ESTABLISHING CRITERIA FOR DROUGHT RESPONSE STAGES WITHIN THE CITY OF RIVER OAKS.

At 7:28 p.m., Mayor Ashton opened the Public Hearing.

We must review and update the drought contingency plan every five years. We last updated this plan in 2016. There are items in this that were not included in the 2016 plan but most of the information stayed the same. The city will provide the draft plan to anyone who wants a copy; the plan is posted on the city's website for the public to review and comment; notice was posted in the Fort Worth Star Telegram; and public comment is available at this meeting tonight. This plan falls in suit with the Tarrant Regional Water District.

At 7:31 p.m., Mayor Ashton closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1311-2021 AMENDING ARTICLE 13.07 "WATER CONSERVATION AND DROUGHT CONTINGENCY PLANS" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED INCORPORATING REVISED UPDATED PROVISIONS IN DIVISION 2 AND DIVISION 3 OF THAT ARTICLE; ADOPTING A REVISED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR DROUGHT RESPONSE STAGES.

CM Holland moved, seconded by CM Chisholm to approve Ordinance #1311-2021. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. 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".

This was discussed at the last meeting. This Ordinance reads that a contractor who is registered with the city will not have to pull roofing permits or require inspections. If a non-registered contractor is doing a roofing job, he will have to register with the city. Homeowners can pull their own permit for \$50.00. If a roof requires replacing the decking, an inspection will have to be done. The contractors that are registered, will have to display a city sign in the yard at the job site. If a sign is not displayed, a stop order will be given until the sign is displayed.

CM Claridge moved, seconded by CM Chisholm to approve Ordinance #1310-2021 with the amendments: register contractors will be given a sign that has to be displayed on the job site and no permits nor inspections will be required, all roofing jobs will require the contractor to register, and homeowners can pull a roofing permit for \$50.00. All voted "Aye".

15. CONSIDER APPROVAL OF RESOLUTION #1050-2021 CANVASING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS PLACE 2 & 4.

Tarrant County provided us a cumulative report and a precinct report. The results are: Council Member Place 2-Dan Dagele 19 votes (13.54%), Steve Holland 229 votes (63.26%), and Zachary Wheat 84 votes (23.20%). Council Member Place 4-Edmundo E. Gutierrez 57 votes (15.83%), Garrett Grissom 33 votes (9.17%), Yolie Rodriguez 160 votes (44.44%), and Sherrie Uptmore Dast 110 votes (30.56%).

Steve Holland will remain as Council Member Place 2. There will be a run-off election between Yolie Rodriguez and Sherrie Uptmore Dast.

CM Claridge moved, seconded by CM Chisholm to approve Resolution #1050-2021. All voted "Aye".

16. CONSIDER APPROVAL OF RESOLUTION #1051-2021 CALLING FOR A RUN-OFF ELECTION TO BE HELD ON JUNE 5, 2021 FOR PLACE 4 CITY COUNCIL MEMBER; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

There will be a run-off election between Yolie Rodriguez and Sherrie Uptmore Dast on June 5, 2021.

CM Chisholm moved, seconded by CM Claridge to approve Resolution #1051-2021. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

17. CONSIDER APPROVAL OF SPECIAL REQUEST BY STEVE SANDERS TO USE THE RIVER OAKS EVENT CENTER FOR A GRADUATION PARTY.

Steve Sanders was present. The graduation party started out as a party for one graduate but now has grown to invite all the 2021 senior class. The event is on May 29th from 5 p.m. to 11 p.m. The request is to ask council to waive the rental fees for this event.

CM Chisholm moved, seconded by CM Claridge to approve the waiving of the rental fees for a graduation party. All voted "Aye".

18. DISCUSSION AND/OR ACTION REGARDING A COMMERCIAL MORATORIUM FOR THE COMMERCIAL ZONE ALONG RIVER OAKS BLVD., AND A MEMORANDUM ON COMMERCIAL MORATORIA IN GENERAL.

Mayor Ashton requested this item to be tabled to the next council meeting.

19. 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.

Rescue Act-fact sheet sent out to the council members.

Personnel-openings in the Public Works, one applicant has been hired. Police Department has an opening in dispatch and two dispatchers are being trained.

Street Improvements-Ohio Garden has been asphalted and Merritt is next.

Winter Disaster-we did receive \$58,580.55 from TML on claims. The remainder of the loss has been sent in to TDEM and to FEMA.

Fire Works Show-June 26th behind Victory Church. Victory Church will be holding a free event in their parking lot that day.

Car Show-this Saturday, May 15th at the Event Center from 11 a.m.-3 p.m.

Code Red-have had a startup meeting with them and are adverting this out to the public to register.

STAFF REPORTS:

20. UPDATE ON SUBSTANDARD PROPERTY AT 5901 BLACK OAK LANE.

The belongings on the inside are slowly being removed. There are about 20% items removed on the inside. The vehicles have not been moved, but two are being moved soon. The council order expired yesterday, and a new order will need to be issued. The owners can continue removing items while waiting on a new order to be issued.

CORRESPONDENCE:

21. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-citizens are happy with Code Red. Asked about the police chase a couple of weeks ago-person robbed convenient store but the alarm system was malfunctioning. Later the person came back and robbed the pawn shop which River Oaks chased him, there was a wreck and the person shot himself and is deceased.

CM Holland-thanked staff for handling the pandemic and big projects. Thanked the citizens for their support on the re-election and encourage those who ran for election to participate on boards.

Mayor Pro Tem Houk-congratulations to Steve Holland and all who ran. Concerned about pulling Item #18 off the agenda tonight.

CM Chisholm-car show this Saturday. Bank of Texas building sold to a medical clinic. Grump's Burgers is planning on opening in the old Chicken Express building.

EXECUTIVE SESSION:

22. 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:

23. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


NONE

ADJOURN:

24. ADJOURN


At 8:26 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor

ATTEST:



Paula Luck, City Secretary