

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 28, 2020**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHRIS SPIELDENNER
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BETSY ELAM
FIRE CHIEF RUSSELL SHELLEY
EVENT CENTER DIRECTOR SHIRLEY WHEAT
EVENT CENTER DIRECTOR SHIRLEY BLOOMFIELD

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, July 28, 2020 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Ashton delivered the Invocation.

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

Mayor Pro Tem Ashton 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.

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 JULY 14, 2020 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING JULY 28, 2020 (FY 2020)
- C. APPROVE CCPD 3RD QUARTER (APRIL 1-JUNE 30, 2020) FINANCIAL REPORT
- D. APPROVE STORM WATER 3RD QUARTER (APRIL 1-JUNE 30, 2020) FINANCIAL REPORT
- E. APPROVE 3RD QUARTER CITY INVESTMENTS REPORT (APRIL 1-JUNE 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. CONSIDER APPROVAL OF EMPLOYEE HEALTH, LIFE & MEDICAL INSURANCE RATES FOR PLAN YEAR OCTOBER 1, 2020-SEPTEMBER 30, 2021 PRESENTED BY DAWN BRINSON, BRINSON BENEFITS.

Dawn Brinson was present. The renewal initially came in at a 9.6% increase with United Health Care. It has now been negotiated down to a 5% increase. Other carriers did submit bids, but they were at a substantial increase. The city's cost per month per employee is currently \$400.76. The new cost per month per employee will be \$420.80. The usage of Telemedicine has been significant and sees more usage because of COVID-19. Therefore, the cost is increasing from \$3.50 to \$5.50 per employee per month which also includes behavioral health that is unlimited and includes everyone in the employee's household. The rate increase has affected all of their clients. Dental, Vision and Life have no rate change.

CM Claridge moved, seconded by CM Chisholm to approve the employee health, life & medical insurance rates as presented. All voted "Aye".

9. DISCUSS 2020 TAX RATE, TAX RECORD VOTED; (DESIGNATED OFFICER CALCULATES THE NO NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE OF THE TAXING UNIT; BY AUGUST 7 THE DESIGNATED OFFICER SHALL SUBMIT THE RATES TO THE GOVERNING BODY).

This year is a new way of projecting the taxes and it also includes the TIRZ. Tarrant County is calculating this for us this year but have not heard back from them on what they have come up with.

Council agreed to hold a Special Council Meeting on Tuesday, August 4th at 6:00 p.m. to discuss the 2020 Tax Rate.

10. CONSIDER APPROVAL OF CHANGE ORDER ON PROJECT #TWDB CWSRF #62731 "CID-03 WATER SYSTEM IMPROVEMENTS" PHASE 2 WATER INVOLVING THE PROJECT CHANGE REQUIRING OPEN CUTTING OF SKYLINE INSTEAD OF INSTALLATION OF THE NEW WATER LINE BY THE PIPE BURSTING METHOD.

Change order for Phase 2 Water System Improvements was presented in the amount of \$33,486.00. There were some items deleted and some items added to the project on Skyline Drive.

CM Chisholm moved, seconded by Mayor Pro Tem Ashton to approve the Phase 2 Water change order in the amount of \$33,486.00. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

11. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING ON THE PROPOSED ZONING TEXT AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE AS FOLLOWS:

- Amending Section 6 "Administration and Enforcement; Building Permits and Certificates of Occupancy adding Section 6F "Building Materials, Products or Methods" pursuant to House Bill 2439 that became effective on September 1, 2019 regulating Building Materials and Products;
- Amending Section 15 "C-2 Commercial District" specifically in Section 15.B.6 removing the 3,000 square foot requirement of floor area for separate or combined uses of cleaning, dyeing and pressing works; laundry and washaterias;
- Amending Section 19.E "Outside Special Events Permitting" requiring approval by the City Secretary for a specific period of time taking into consideration the event size, noise, location, approved traffic plan and if applicable, proof of health permits issued by the local public health department;
- Amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" # 21 to now read as follows: "Retail uses which are reasonably related to the principal uses within the structure provided it is new merchandise that does not exceed 15 percent of the floor area of the building; merchandise (Second Hand/Used) for resale is not permitted";
- Amending Section 23A "Specific Use Permits" specifically in Section 23A.G.3.i.i excluding restaurants from the 4,000 square-foot building size requirement for on premise alcohol beverage sales;
- Amending Section 26 "Alcoholic Beverage Sales" specifically in Section 26.B.2.i.i excluding restaurants from the 4,000 square-foot building size requirement for on premise alcohol beverage sales. (Zoning Case #2020-0001)

At 7:53 p.m., Mayor Earwood opened the Public Hearing.

Currently the ordinance reads that there is a 4,000 square foot building size requirement for on-premise alcohol beverage sales. If approved, there still is an issue with the parking which can be discussed on a case by case basis. Council would like all Special Event Permits to be announced to the council before an event.

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

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1286-2020 AMENDING ZONING ORDINANCE #1158-2017 REVISING THE TEXT AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE AS FOLLOWS:

- Amending Section 6 "Administration and Enforcement; Building Permits and Certificates of Occupancy adding Section 6F "Building Materials, Products or Methods" pursuant to House Bill 2439 that became effective on September 1, 2019 regulating Building Materials and Products;
- Amending Section 15 "C-2 Commercial District" specifically in Section 15.B.6 removing the 3,000 square foot requirement of floor area for separate or combined uses of cleaning, dyeing and pressing works; laundry and washaterias;
- Amending Section 19.E "Outside Special Events Permitting" requiring approval by the City Secretary for a specific period of time taking into consideration the event size, noise, location, approved traffic plan and if applicable, proof of health permits issued by the local public health department;
- Amending Section 22 "Accessory Uses" specifically in Section 22.A "Authorized Accessory Uses" # 21 to now read as follows: "Retail uses which are reasonably related to the principal uses within the structure provided it is new merchandise that does not exceed 15 percent of the floor area of the building; merchandise (Second Hand/Used) for resale is not permitted";
- Amending Section 23A "Specific Use Permits" specifically in Section 23A.G.3.i.i excluding restaurants from the 4,000 square-foot building size requirement for on premise alcohol beverage sales;
- Amending Section 26 "Alcoholic Beverage Sales" specifically in Section 26.B.2.i.i excluding restaurants from the 4,000 square-foot building size requirement for on premise alcohol beverage sales. (Zoning Case #2020-0001)

CM Holland moved, seconded by CM Chisholm to approve Ordinance #1286-2020. All voted "Aye".

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION TO REZONE BLOCK 16, LOT 11 IN THE CASTLEBERRY GARDENS ADDITION OTHERWISE KNOWN AS 1919 ROBERTS CUT OFF ROAD IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-1" COMMERCIAL ZONING DISTRICT TO A "PC" PLANNED COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 16A OF THE RIVER OAKS ZONING ORDINANCE #1158-2017 AS AMENDED. (ZONING CAE #PZ 2020-0002 RZ)

This item was moved to before Item #11.

At 7:30 p.m., Mayor Earwood opened the Public Hearing.

Rodney Orand was present. The Planning & Zoning Commission voted 5 to 0 to approve. There will be a double horseshoe driveway for deliveries, no trees will be in the right of way, and there will be two sliding gates over the drive approaches. There will be no fence in between 1917 & 1919 Roberts Cut Off since the Orand's own both properties. The dumpster will be located where the waste hauler has adequate access to dump it. There will be a r-panel fence on the backside where the property backs up to residential.

At 7:49 p.m., Mayor Earwood closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1287-2020 REZONING BLOCK 16, LOT 11 IN THE CASTLEBERRY GARDENS ADDITION OTHERWISE KNOWN AS 1919 ROBERTS CUT OFF ROAD IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-1" COMMERCIAL ZONING DISTRICT TO A "PC" PLANNED COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 16A OF THE RIVER OAKS ZONING ORDINANCE #1158-2017 AS AMENDED. (ZONING CASE #PZ 2020-0002 RZ)

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve Ordinance #1287-2020 with recommendations addressed by the Planning & Zoning Commission. All voted "Aye".

At this time, Item #11 will be discussed.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF RESOLUTION #1022-2020 CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

This Resolution is calling for a General Election for Mayor and Place 5. Early voting will begin October 13th with the location to be determined later.

CM Claridge moved, seconded by CM Chisholm to approve Resolution #1022-2020. All voted "Aye".

16. CONSIDER APPROVAL OF RESOLUTION #1023-2020 CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

This Resolution is calling for a Special Election for the vacated Place 4 position.

CM Claridge moved, seconded by CM Chisholm to approve Resolution #1023-2020. All voted "Aye".

17. CONSIDER APPROVAL OF ORDINANCE #1288-2020 AMENDING THE FY 2020 GENERAL FUND BUDGET BY EXPENDING COMMUNITY CENTER DOLLAR DONATIONS TO PURCHASE SPECIAL PURPOSE EQUIPMENT AND MAKE BUILDING IMPROVEMENTS.

Event Center Director Wheat has been wanting for several years to get a lawn mower just for the center. This request is for a lawn mower, enclosure for the mower, weed eater, projector and electrical work.

Mayor Pro Tem Ashton moved, seconded by CM Holland to approve Ordinance #1288-2020 not to exceed \$9,000.00. All voted "Aye".

STAFF REPORTS:

18. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 928 LYDICK LANE-will be removed within a month.
- 1017 CHURCHILL-actively working.
- 5217 BARBARA RD.-removed from substandard.
- 1605 YALE ST-permits pulled and actively working.
- 1701 YALE ST-permits pulled and actively working.
- 1620 WOODLAWN-near completion.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

19. CONSIDER APPROVAL FOR STAFF TO PROVIDE COUNCIL PACKETS TO CANDIDATES THAT ARE ON THE BALLOT IN THE NOVEMBER 3, 2020 ELECTION.

The city has been providing council packets to the candidates for years, but no formal action had been taken.

CM Claridge moved, seconded by Mayor Pro Tem Ashton to provide four redacted regular council meeting packets to candidates prior to election day and it is up to the City Secretary on how these packets will be given out. All voted "Aye".

20. UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

Presented copy of Cares Act report that was sent into Tarrant County. Reports will be submitted every 30 days.

Kasandra Garcia has been hired to fill the vacancy in the Water Administration Department.

Census completion is 7% lower than in 2010.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

CS Spieldenner-briefly went over an incident in Westworth Village.

22. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.

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

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

25. **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

26. **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

27. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

28. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

29. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX

30. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.

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

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

The virus is growing. In River Oaks, there are 110 positive cases. A person who has had the virus can get it the second time.

33. **CENSUS COMPLETE COUNT COMMITTEE REPORT** INCLUDING INFORMATION PROMOTING CENSUS AWARENESS IN THE COMMUNITY AND REFLECTING A TRUE SNAPSHOT OF COMMUNITY

CORRESPONDENCE:

34. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge asked why we are doing chlorine burns. This is monitored year around and once a year, TCEQ requests it be done. PWD Smith stated they are very short handed. Had a special brush pick up on Saturday to catch up.

CM Claridge-people complaining about the live feed not being posted.

EXECUTIVE SESSION:

25. 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:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

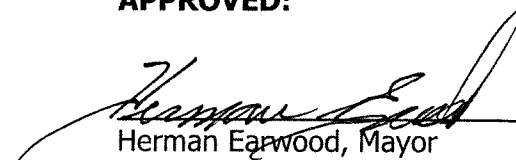
NONE

ADJOURN:

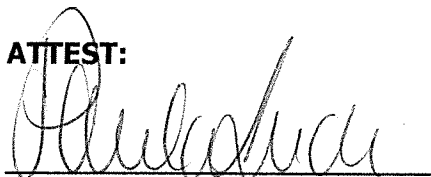
37. ADJOURN

At 9:00 p.m., CM Claridge moved, seconded by Mayor Pro Tem Ashton to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary