

**MINUTES OF THE SPECIAL MEETING
RIVER OAKS CITY COUNCIL
SEPTEMBER 1, 2020**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Special Meeting of the River Oaks City Council to order at 6:00 p.m. on Tuesday, September 1, 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.

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 AUGUST 25, 2020 REGULAR CALLED COUNCIL MEETING

Mayor Pro Tem Ashton moved, seconded by CM Claridge to approve the Consent Agenda Items #A. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON THE PROPOSED AD VALOREM 2020 PROPERTY TAX RATE IN THE CITY OF RIVER OAKS AT A RATE OF \$0.697375 PER \$100 OF PROPERTY VALUE WHICH IS EFFECTIVELY A TOTAL TAX RATE INCREASE OF \$0.022859/\$100 OF VALUE OR 3.39% FROM THE 2019 TAX RATE OF \$0.674516 PER \$100 OF PROPERTY VALUE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

This item was postponed to after Item #10 & #11.

At 6:18 p.m., Mayor Earwood opened the Public Hearing.

The no-new-revenue tax rate from the 2020 tax rate worksheet is \$0.671699/\$100 (which would provide approximately the same amount of revenue as last year at a tax rate of \$0.674516/\$100), and the voter-approval rate is \$0.697375/\$100 (which is the maximum rate allowed by law without being subject to a mandatory election). The de minimis rate is \$0.834124/\$100 that is calculated using the 2020 total taxable value of \$311,853,193. The rate necessary to impose \$500,000 in taxes is \$0.160331. To calculate the de minimis rate you take the maintenance and operations tax rate of \$0.673793/\$100 + \$0.160331 = \$0.834124/\$100. With a 99.5% projection rate, the projected revenue will be \$2,475,043.85.

The step plan in the budget will remain as is with no change.

At 6:27 p.m., Mayor Earwood closed the Public Hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1291-2020 AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 AT A RATE OF \$0.697374 PER \$100 OF PROPERTY VALUE WHICH IS EFFECTIVELY A TOTAL TAX RATE INCREASE OF \$0.022858/\$100 OF VALUE OR 3.39% FROM THE 2019 TAX RATE OF \$0.674516 PER \$100 OF PROPERTY VALUE. THIS RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. (The proposed rate is not greater than the voter approval tax rate. As a result, the City of River Oaks is not required to hold an election to seek voter approval of the rate).

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to ratify the property tax increase reflected in the fiscal year 2021 budget that will require raising more revenue from property taxes than in the previous year; and further move that the

property tax rate be increased by the adoption of a tax rate of \$0697374, which is effectively a 3.4997% increase in the tax rate for maintenance and operations; and further move to adopt Ordinance #1291-2020. All voted "Aye".

10. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SITE PLAN APPROVAL PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED PERMITTING THE APPLICANT, AZA FAMILY INC, TO BE PERMITTED TO CONSTRUCT A NEW 1,000 SQUARE FOOT ACCESSORY BUILDING FOR STORAGE IN THE REAR OF THE PROPERTY AT 4913 OHIO GARDEN ROAD OTHERWISE DESCRIBED AS BEING BLOCK A, LOT 2 RIVER OAKS ADDITION. (ZONING CASE #SP 2020-0003).

This item was moved up to after Item #7.

At 6:05 p.m., Mayor Earwood opened the Public Hearing.

Kathy Rodden at 1001 Keith Pumphrey was present and objects to the storage building. There is already a drainage issue when it rains heavy. Ms. Rodden filed an objection with the City Secretary.

A representative from Aza Family Inc was present. This is only extra storage for kitchen items. No food will be stored in it. The back part of the main building is eaten up by a cooler. The building will be locked with a dead bolt lock.

Mayor Earwood asked PWD Smith to address the drainage issue. Yes, there is an existing problem that will be addressed by the Storm Water Task Force. The requested storage building should not add any additional issues.

Oscar Collins at 4908 Red Oak was present and has no objections to the storage building but the drainage issue is a concern. PWD Smith will report the findings back to council regarding the drainage issue.

At 6:16 p.m., Mayor Earwood closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER SITE PLAN APPROVAL PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED PERMITTING THE APPLICANT, AZA FAMILY INC, TO BE PERMITTED TO CONSTRUCT A NEW 1,000 SQUARE FOOT ACCESSORY BUILDING FOR STORAGE IN THE REAR OF THE PROPERTY AT 4913 OHIO GARDEN ROAD OTHERWISE DESCRIBED AS BEING BLOCK A, LOT 2 RIVER OAKS ADDITION. (ZONING CASE #SP 2020-0003).

CM Claridge moved, seconded by CM Chisholm to approve the site plan at 4913 Ohio Garden Road for an accessory building in the rear of the property. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

12. CONSIDER APPROVAL OF RESOLUTION #1025-2020 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2020-2021 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING).

The only correction was in creating a Business Enterprise Expense account.

CM Chisholm moved, seconded by CM Claridge to approve Resolution #1025-2020 second reading. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

13. CONSIDER APPROVAL OF PLAN AS PRESENTED BY SHIRLEY WHEAT TO RE-OPEN THE RIVER OAKS EVENT CENTER FOR VARIOUS ACTIVITIES.

Shirley Wheat was not present. Presented was a list of other centers regarding their current opening situation. EMC Myrick read a letter from someone who has had the virus and is still suffering. Very little has changed. Shirley Wheat continues to present re-opening to the City Council. Some of the programs that are mentioned in the letter to the council consists of elderly people like the exercise program. Several people have mentioned that there is a mask issue at the center with some employees not wearing them even though they are required to. If people where both face shields and masks, it will be 99% effective.

Mayor Pro Tem Ashton feels there needs to be a median and help people have a quality of life and would like to see limited re-opening. Other Council Members have mixed feelings.

CA Elam commented that the city can get sued if the center opens and someone gets the virus, but the city can be protected.

This item will be tabled to the next Council Meeting.

CORRESPONDENCE:

14. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Gregory-working with Suburban news to get a page for River Oaks for publications.

CM Claridge-asked if EDC has considered selling space on the light poles for banners for businesses in River Oaks. CM Chisholm has talked about this in the past.

CM Chisholm-it has been posted on social media about Oncor issues. The City has been in touch with the representative.

Mayor Earwood-power lines are down at Roberts Cut Off and Meandering Road.

EXECUTIVE SESSION:

15. 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:

16. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

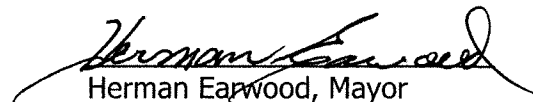
NONE

ADJOURN:

17. ADJOURN

At 6:54 p.m., Mayor Earwood adjourned the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Paula Luck, City Secretary