

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
OCTOBER 10, 2023**

MEMBERS PRESENT:

MAYOR DARREN HOUK
MAYOR PRO TEM JOHN CLARIDGE
COUNCIL MEMBER YOLIE RODRIGUEZ
COUNCIL MEMBER LEIGH ANN TURNER

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
FIRE CAPTAIN GREG STOCKTON
POLICE CHIEF CHUCK STEWART
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BRADLEY ANDERLE

ABSENT:

COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER BRENT FORESTER

1. CALL TO ORDER

With a quorum present, Mayor Darren Houk called the Regular Meeting of the River Oaks City Council to order at 6:02 p.m. on Tuesday, October 10, 2023 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Houk introduced CISD students Patrick Alvarez and Camilla Torres.

2. INVOCATION

CISD student Patrick Alvarez delivered the Invocation.

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

CISD student Camilla Torres 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 SEPTEMBER 26, 2023 REGULAR CALLED COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 30, 2023 (FY 2023)
- C. APPROVE ECONOMIC DEVELOPMENT AGREEMENT FOR BUSINESS IMPROVEMENT GRANT WITH THAT EYE PLACE LOCATED AT 4829 GREEN OAKS DR. AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT CORPORATION

Mayor Pro Tem Claridge moved, seconded by CM Rodriguez to approve the Consent Agenda Items #A-C. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 UNDER THE FAIR HOUSING ACT TO MAKE A REASONABLE ACCOMMODATION FOR A PERSON WITH A DISABILITY WITH REGARD TO LAND USE REGULATIONS AS REQUESTED BY ZENAIDA TOVAR BANDA AT 1401 WESTWICK DR. IN ORDER TO BE PERMITTED TO BUILD A 14' X 20' CARPORT IN FRONT ATTACHED TO THE EXISTING FRONT PORCH AWNING IN THAT THE PROPOSED CARPORT WOULD EXTEND IN FRONT OF THE 25-FOOT BUILDING LINE TO WITHIN 6'9" OF THE PREVAILING EDGE OF THE STREET IN VIOLATION OF SECTION 22.A.5D OF THE RIVER OAKS ZONING ORDINANCE.

Zenaida Tovar Banda was present. Requesting a carport to load a disabled child in the vehicle so he would not be in the weather elements. There is no other location that this carport can be built at on this property. The Zoning Board of Adjustments could not rule because it was out of the scope of allowable hardships. But can be brought before the council as reasonable accommodation by the Fair Housing Act. If this carport is built in the right-of-way and utility companies must come in, they can tear down part of the carport to access the right-of-way. This carport will be attached to the house under the roof line, the poles will be stucco to match the house, and the roof will have shingles to match the house. The poles will not be in the right-of-way but the 2' overhang will. CM Gregory wants to record this downtown to show on the title work. All the notifications sent out were in favor of this request.

Mayor Pro Tem Claridge moved, seconded by CM Rodriguez to approve the reasonable accommodations based on disability and it does not create an unreasonable hardship for the city that the carport can be built up to 15' in front of the build to line on the property and 10' from the prevailing edge of the street with up to a 2' roof overhang and that the improvements could remain on the property even if the applicant leaves the property. All voted "Aye".

9. CONSIDER APPROVAL OF THE 2021-2022 FISCAL YEAR AUDIT REPORT AS PRESENTED BY MWH GROUP, CERTIFIED PUBLIC ACCOUNTANTS.

This item has been tabled to the November 14, 2023 council meeting.

10. DISCUSSION AND/OR ACTION ON SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 4844 HARTFORD THAT WAS PREVIOUSLY EXTENDED TO SEPTEMBER 21, 2023.

Mr. Purvis was not present. Have not heard if the house is finished. Recommend extending this to the October 24, 2023 council meeting.

Mayor Pro Tem Claridge moved, seconded by CM Rodriguez to extend the building order to the October 24, 2023 council meeting. All voted "Aye".

11. CONSIDER APPROVAL OF THE RULES AND PROCEDURES OF THE PLANNING & ZONING COMMISSION AS AMENDED.

Currently, Brad Gallman is the Vice Chairman, and he is the Place 5 Member and that would not be in accordance with the existing Rules and Procedures where he should be Place 2 and that would end up having the other places re-appointed. The board requested that the Rules and Procedures be revised removing the requirement for the Vice-Chairman be Place 2.

Mayor Pro Tem Claridge moved, seconded by CM Turner to approve the Rules and Procedures with the additional changes as discussed. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

12. CONSIDER APPROVAL OF ORDINANCE #1389-2023 AMENDING ARTICLE 13.03 "WATER SYSTEM", SECTION 13.03.011 "WATER RATES" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED; ADOPTING AND RATIFYING FEES FOR WATER RATES INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

1.7% water rate decrease for the minimum base water rates of commercial customers in and out of the water district from \$29.50 to \$29.00; 1.2% water rate decrease for the minimum base water rates of commercial customers in and out of the water district from \$42.00 to \$41.50; 1.97% water rate decrease for the minimum base water rates of commercial customers outside of the city and inside the water district from \$52.00 to \$51.00; 3.7% water rate decrease for the usage charge of residential customers outside of the city and in the water district from \$0.1400000 to \$0.13500000 per cubic foot for usage over 400 cubic feet; and 3/6% water rate decrease for the usage charge of commercial customers outside of the city and in the water district from \$0.145000 to \$0.1400000 per cubic foot for usage over 400 cubic feet.

Mayor Pro Tem Claridge moved, seconded by CM Rodriguez to approve Ordinance #1389-2023. All voted "Aye".

13. CONSIDER APPROVAL OF ORDINANCE #1390-2023 AMENDING ARTICLE 13.04 "SEWER SYSTEM", SECTION 13.04.013 "SEWER SERVICE RATES", OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; ADOPTING AND RATIFYING SEWER RATES INCORPORATING A RATE INCREASE FOR RESIDENTIAL, COMMERCIAL AND APARTMENT CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS.

There is a 13.7% system wide average increase in the residential rates, which is an increase of \$4.50 in base rate from the current \$40.00 to \$44.50 and a usage rate increase of .50 cents for every 100 cubic feet. Commercial customers are billed for actual water usage and are being increased 11.8% this year on retail base rates from \$58.00 to \$63.00 plus an additional 14.47% in usage charges and apartments from \$54.00 to \$59.00 plus 15% in usage charges.

Mayor Pro Tem Claridge moved, seconded by CM Rodriguez to approve Ordinance #1390-2023. All voted "Aye".

14. CONSIDER APPROVAL OF ORDINANCE #1391-2023 AMENDING THE GENERAL FUND BUDGET BY EXPENDING PARK DOLLAR DONATIONS FOR THE PURCHASE OF A BOTTLE FILLER (DRINKING FOUNTAIN) AT MCGEE PARK.

This bottle filler will be by the concession stand next to the playground. The Park Board recommended this purchase not to exceed \$4,300.00.

CM Turner moved, seconded by Mayor Pro Tem Claridge to approve Ordinance #1391-2023. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

15. 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 new code officer; two openings in Police and two openings in Public Works.

This week is full of Castleberry Homecoming events.

James Myrick-there are public safety measures because of the Israel attacks. There is an "Eye Watch Texas Program" that the public can report suspicious activity.

CORRESPONDENCE:

16. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

Mayor Pro Tem Claridge-appreciate visitors from CISD tonight.

CM Rodriguez-thanked the CISD visitors. Coming along with the Christmas parade and festival on December 9th.

CM Turner-the Park Board is starting to act on things. Hosting a big homecoming parade watch party at her house. Thanked visitors that are from CISD. Wanted an update on street signs. PWD Bell-there is a delay on materials so hopefully in a couple of weeks.

EXECUTIVE SESSION:

17. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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 deliberation regarding real property; a government body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- 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:

18. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

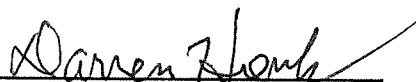
NONE

ADJOURN:

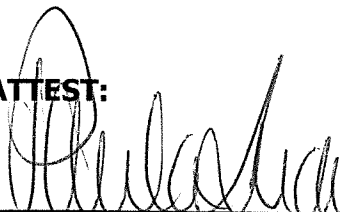
19. ADJOURN

At 6:59 p.m., Mayor Houk adjourned the meeting.

APPROVED:


Darren Houk, Mayor

ATTEST:


Paula Luck, City Secretary