

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 13, 2022**

MEMBERS PRESENT:

MAYOR PRO TEM DAN CHISHOLM
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER LEIGH ANN TURNER
COUNCIL MEMBER YOLIE RODRIGUEZ
COUNCIL MEMBER JOHN CLARIDGE

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
CITY ATTORNEY ANDREA RUSSELL
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHUCK STEWART
EMERGENCY MGT JAMES MYRICK
FIRE CHIEF RUSSELL SHELLEY
DEPUTY POLICE CHIEF ERIC PERKINS
BUILDING INSPECTOR STEVE SANDERS
UTILITY BILLING COORDINATOR BLYTHE REAVES

ABSENT:

MAYOR JOE ASHTON

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Chisholm called the Regular Meeting of the River Oaks City Council to order at 6:00 p.m. on Tuesday, December 13, 2022 at River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

CM Holland 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 NOVEMBER 22, 2022 REGULAR CALLED COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING DECEMBER 13, 2022 (FY 2023)

CM Holland moved, seconded by CM Claridge 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON REQUEST FROM BRITNI HERRERA THAT THE CITY ADOPT MORE STRINGENT LAWS ON STREET RACING AND TO HAVE IT DONE IN HONOR OF HER NIECE THAT PASSED AWAY ON NOVEMBER 30, 2022 DUE TO ILLEGAL STREET RACING.

Keith Lake (2725 Haystack Blvd), father of Madison Lake. Madison, and her mom Cindy lost their lives and Madison's boyfriend is in the hospital. Don't want anyone else to go thru what they are going thru. There needs to be a stricter law on street racing.

Miguel Ruiz (1520 Roberts Cut Off), recently moved to River Oaks. Read letter that was sent to River Oaks and Fort Worth. Suggested three things that may help with street racing and read a few responses to the letter. Fort Worth recommended residents to submit a calming application to them and they will review.

Sue Bates (8530 Western Hills Blvd), mother of Bishop Kline, son is in the car with Madison and Cindy.

Teresa Chandler (2725 Haystack Blvd), Madison's grandmother, is angry and hurt. Is devastated because of someone's irresponsible decision. Thought this was a safe city and want it safe again.

PC Stewart-this is an active criminal investigation and can not go into details. You are asking the city to make a law and all the city can do is issue tickets. This starts in Austin. Both boys will be filed on.

Residents suggested speed bumps and cameras. Cameras were made illegal 5-6 years ago. River Oaks Blvd is a state highway and we have no control over it. The state does limit speed limits on residential streets. Our officers are issuing tickets to kids for their vehicles and parents complain.

CM Turner-the kids made a stupid choice but some kids do that. Parents should be held accountable for their kids. They should be aware of the price and consequences.

PC Stewart suggested maybe have the officers get with the school officers and talk to the kids. For the police to issue a citation, the police must see it. We have three officers on every shift,

and they must cover the whole city. In a years' time, we had 43 calls in the city for reckless driving.

9. DISCUSSION AND/OR ACTION ON REQUEST FROM ALEJANDRO RAMIREZ, TO ALLOW FOOD TRAILERS TO SELL FOOD IN THE CITY OF RIVER OAKS.

No one showed for this item, so this item was postponed.

10. CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH TYLER TECHNOLOGIES FOR THE ERP PRO 9 CUSTOMER RELATIONSHIP MANAGEMENT SUITE OR UTILITY ACCESS BUNDLE FOR BILLING AND PAYMENTS.

Our machines are out of date. Residents want auto Pay. On a bank draft, checks get mailed to us and we may or may not get the checks in time. This will allow residents to have an app on their phone that you can pay with a check or credit card, view consumption, fill out applications online, disconnect service and create service orders. Currently the credit card charge is 3% to the resident. This new program will charge 3.7% to residents who use it or \$1.95 for an e-check. This is for utility only, not court. The initial set up fee is \$4,290.00 which we did budget in the General Fund under credit card fees, and we can transfer from general to water so there is no budget impact. This will take about two months to get this program going.

CA Russell had no issues with the agreement.

Mayor Pro Tem Chisholm moved, seconded by CM Rodriguez to enter into an agreement with Tyler Technologies for the ERP Pro 9 and to investigate the credit card charge of the city to possibly pay for it. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

11. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 4844 HARTFORD.

At 7:19 p.m., Mayor Pro Tem Chisholm opened the Public Hearing.

BI Sanders presented new pictures to the council and went over the issues. No one was present for this item.

At 7:26 p.m., Mayor Pro Tem Chisholm closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 4844 HARTFORD THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED.

CM Holland moved, seconded by CM Claridge to find that the building(s) located at 4844 Hartford based on evidence presented at the hearing, is Substandard, and: 1)

that the conditions set forth in the Building Official's report exist to the extent that the life, health, property or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the building(s) is/are feasible of repair and therefore order the buildings to be repaired by the owner within 30 days and the Lienholder or Mortgagee to within an additional 30-days if the owner does not comply; and 3) order that the building be repaired in conformance with the requirements of Section 3.07.004 of the River Oaks Code of Ordinances (2020) as amended or demolished by the owner and the debris removed within 30 days or by the Lienholder or Mortgagee to within an additional 30-days if the owner does not comply and further find that if the building is not repaired within that time, that there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; and 4) order that the substandard fee of \$150.00 be paid upon permit issuance. Certificate of Occupancy will not be finalized until all substandard fees are paid in full. All voted "Aye".

13. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD AS REQUESTED BY MOHAMMED RAHMAN FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE #1331-2021 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2022-0009).

At 7:29 p.m., Mayor Pro Tem Chisholm opened the Public Hearing.

A change of ownership is non-transferable. And this is for an ownership change. The drive thru is not permitted for alcohol sales. Planning and Zoning did not approve the drive thru window for anything. This has never been allowed at this location because of traffic. If the drive thru was on the other side of the building, it would not affect traffic flow. Mohammed Rahman is present. It would be too costly to move the drive thru to the other side. The drive thru should have 10-15 cars per hour coming thru there. Tonight, we can only approve the alcohol and not the drive thru. The drive thru is a separate issue. The Lions Club signed a paper against the drive thru. If the owner comes up with a traffic plan and improvements, that can be presented to the Planning and Zoning.

At 7:51 p.m., Mayor Pro Tem Chisholm closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: IN ORDER TO CONSIDER APPROVAL OF THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD AS REQUESTED BY MOHAMMED RAHMAN FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE #1331-2021 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2022-0009).

Mayor Pro Tem Chisholm moved, seconded by CM Rodriguez to approve the special permit at 5001 River Oaks Blvd for off-premise consumption and to not approve the drive thru access. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1366-2022 AMENDING THE FISCAL YEAR 2022-2023 GENERAL FUND BUDGET EXPENDING EVENT CENTER DOLLAR DONATION FUNDS FOR ENTERTAINERS AS REQUESTED BY THE COMMUNITY CENTER DIRECTORS.

No one was present from the Community Center. During budget workshops, the directors did not want to budget anything for Entertainers. They have been paying Karaoke \$150.00 a week and that has been paid out of their regular donation account which is funded by donations from people at these events. But they do not have enough money in that account to continue with Karaoke. CM Gregory authorized a \$300.00 expenditure out of the Entertainer line item for entertainment at their annual volunteer lunch. Council would like the directors to attend and give them more information.

CM Holland moved, seconded by CM Claridge to approve Ordinance #1366-2022 for \$300.00 for the volunteer lunch entertainment and \$300.00 for two weeks of Karaoke. CM Holland, CM Claridge, CM Turner and Mayor Pro Tem Chisholm voted "Aye". CM Rodriguez voted "Nay". Motion passed.

CA Russell would like to go back to Item #10. After looking, she does not have the agreement.

Mayor Pro Tem Chisholm moved, seconded by CM Rodriguez to amend the original motion to have the City Attorney approve the agreement. All voted "Aye".

16. CONSIDER APPROVAL OF ORDINANCE #1367-2022 AMENDING ARTICLE A.02 "SCHEDULE OF FEES AND CHARGES" UNDER SECTION A.02.001 "ESTABLISHED GENERALLY" SPECIFICALLY IN SUBSECTION (a) "ADMINISTRATIVE SERVICES" (2) "PAYMENTS BY CREDIT CARD OR ELECTRONIC MEANS" AT 3.7% FOR PROCESSING AND HANDLING FEES AND (3) "WEB-PROCESSED CONVENIENCE FEE" AT 3.7% FOR PROCESSING & HANDLING FEES AND A FLAT FEE OF \$1.95 FOR E-CHECKS AND PROVIDING AN EFFECTIVE DATE OF MARCH 1, 2023.

Mayor Pro Tem Chisholm moved, seconded by CM Claridge to approve Ordinance #1367-2022. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

17. DISCUSSION AND/OR ACTION REGARDING SEPARATE SEALED BIDS REQUESTED TO BE RECEIVED PURSUANT TO THE REQUIREMENTS OUTLINED IN THE REQUEST FOR PROPOSAL (RFP) #2022-5300 REGARDING THE SALE OF REAL PROPERTY AT 5300 BLACKSTONE DRIVE.

Several calls were received but no bids were received. Interest rates have gone up. Can re-bid in six months if interest rates are down.

No action taken.

18. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 636 SCHIEME-actively working.
- 1513 SKYLINE-no change, bring back for Public Hearing.
- 5016 ALMENA-no change. Attorney-still must notify the heir.
- 1114 HARVARD-bring back for Public Hearing.
- 940 CODY COURT (APT 6-13)-no change.
- 1011 ROBERTS CUT OFF -fence finalized, actively working.
- 4844 HARTFORD
- 1909 YALE-vacant, will be at the tax sale.
- 5004 LANGLEY-vacant, posted yesterday, potable water.

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.

Personnel-Public Works one employee short; Police three employees short; Fire Dept fully staffed.

Tower Lease-told to wait until January 2023.

City Holiday Schedule-City Hall closed Friday, December 23rd and Monday, December 26th with garbage running on both Friday and Monday. City Hall closed Monday, January 2nd with garbage running on Monday.

Employee Christmas Lunch-Wednesday, December 14th from 11:00 a.m. to 1:00 p.m. with City Hall closed during those hours.

Election-have to file a Notice of Election for place on the ballot. Whatever we put down as the hours, will have to stay like that until February 17th. Council agreed to put down the current City Hall hours.

James Myrick-tornado was not in River Oaks. But did hit the base and Marian Sansom Park and light damage throughout Sansom Park.

20. DISCUSSION AND/OR ACTION ON PENDING LITIGATION INVOLVING ENGINEERING AND CLARIFIER ISSUES AT THE WATER PLANT.

Nothing was discussed.

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.

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. **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
25. **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
26. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
27. **EVENT CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
28. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
29. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.
30. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
31. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

CORRESPONDENCE:

32. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-congratulations on a successful parade and event.

CM Holland-tree lighting a success. It is out there that we have a deaf ear regarding the accident. Will not be able to attend the employee lunch tomorrow.

CM Turner-hope family understands we are grieving for them. Proud of the Christmas Event.

CM Rodriguez-thanked CM Turner and Brent Forrester for a successful event. Need prayers for an upcoming surgery.

Mayor Pro Tem Chisholm-thanked all for the event. Tarrant County getting a lot of new faces.

PWD Smith-the design of the current Blvd is under design reviews and the section around where the accident was because of the access roads is a big part of the study.

EXECUTIVE SESSION:

33. 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:

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

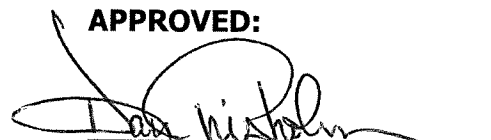
NONE

ADJOURN:

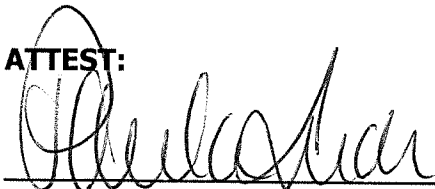
35. ADJOURN

At 9:02 p.m., Mayor Pro Tem Chisholm adjourned the meeting.

APPROVED:


Dan Chisholm, Mayor Pro Tem

ATTEST:


Paula Luck, City Secretary