

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 28, 2023**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
CITY ATTORNEY BRADLEY ANDERLE
INTERIM PUBLIC WORKS DIRECTOR JEREMY BELL
POLICE CHIEF CHUCK STEWART
EMERGENCY MGT JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
EVENT CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

MAYOR JOE ASHTON
COUNCIL MEMBER STEVE HOLLAND

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Dan Chisholm called the Regular Meeting of the River Oaks City Council to order at 6:00 p.m. on Tuesday, February 28, 2023 at River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Rodriguez delivered the Invocation.

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

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

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

-PROCLAIMING APRIL 2023 AS RIVER OAKS CLEANUP MONTH IN THE CITY OF RIVER OAKS

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 FEBRUARY 14, 2023 REGULAR CALLED COUNCIL MEETING
- B. APPROVE MINUTES OF FEBRUARY 17, 2023 SPECIAL CALLED MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 28, 2023 (FY 2023)

CM Claridge moved, seconded by CM Rodriguez to approve the Consent Agenda Items B-C with removal of Item #A. All voted "Aye".

8. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

Item #A-Mr. Walia never said he felt he was grilled by EDC. (statement will be removed from the minutes).

Mayor Pro Tem Chisholm moved, seconded by CM Claridge to approve Item #A as amended. All voted "Aye".

PERSONAL APPEARANCES AND/OR ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

9. DISCUSSION AND/OR ACTION ON REQUEST BY ALI A. GHOHCHEH AT 1004 MERRITT FOR LEAK ADJUSTMENT DUE TO BROKEN PIPE AT A & A MOTORS NOT PROVIDED FOR IN THE CITY'S ADOPTED LEAK ADJUSTMENT POLICY FOR COMMERCIAL ACCOUNTS.

Ali Ghohcheh was present. When we had the ice storm, a pipe broke and was unable to get to the building to turn the water off. The leak adjustment policy does not include commercial accounts. If we take the formula for residential accounts, the refund would be \$42.25. If council wants to include commercial accounts in this policy, will have to redo the policy and bring back for council approval.

CM Claridge moved, seconded by Mayor Pro Tem Chisholm to table this to a later date. All voted "Aye".

10. DISCUSSION AND/OR ACTION ON REQUEST FROM JAVIER DIAZ AT 5309 CAHILL OVAL DISPUTING WATER BILL DUE TO WATER LEAK.

Javier Diaz was present. This account started in January 2023. According to policy, a customer has to be at that residence for one year in order to be eligible for a leak adjustment. The leak was caused by the ice storm. We can adjust the bill to the minimum bill for water only if council approves.

Mayor Pro Tem Chisholm moved, seconded by CM Claridge to adjust the water portion only to the minimum bill for the one month only. All voted "Aye".

11. DISCUSSION AND/OR ACTION ON REQUEST FROM JOANN BUTLER REGARDING THE CITY ADOPTING REGULATIONS ON THE NUMBERS OF CARS PERMITTED AT A RESIDENCE.

JoAnn Butler (601 Merritt) was present. Sees a lot of vehicles in driveways. Sees vehicles in driveways for a while, they disappear and there are other vehicles in the driveways replacing them. Thinks this is a home occupation & business. Also sees vehicles on blocks in driveways.

If the vehicles are on blocks, it is considered a junk vehicle and they have up to 30 days to remove the vehicles or to get them off of the blocks. Vehicles can be parked on the streets if they are current on their registration, inspection, and insurance. If the city thinks there is a residence running a business of selling vehicles out of their home, we can investigate.

Felix Rodriguez (607 Merritt) was present. Had two work cars there but was only supposed to have one. They like cars. Had extended the driveway so the cars would fit. He is not running a business, they just like cars.

No action taken.

Sergeant Meza showed off a new shield. River Oaks got a grant for six shields for \$40,000.00. The shields are 40-45 pounds per shield.

12. CONSIDER APPROVAL TO AMEND THE DECEMBER 13, 2022 COUNCIL ORDER ON THE SUBSTANDARD PROPERTY AT 4844 HARTFORD.

Owner was not present. BI Sanders met with the owner on February 10, 2023 and went over the items to be repaired and said to pull permits. The windows need to be boarded up. The windows are broken, and we need to keep people out. Asking for a board up order tonight. The order from December 13, 2022 is up and the next order is demolition or can extend the order to board up.

CM Claridge moved, seconded by CM Rodriguez to issue a board up order and to proceed with the demolition order. All voted "Aye".

13. CONSIDER APPROVAL TO AMEND THE NOVEMBER 22, 2022 COUNCIL ORDER ON THE SUBSTANDARD PROPERTY AT 1909 YALE STREET.

Vaughn Bailey (attorney) was present. There are several different heirs. There has been a lot of clean up on the outside. Victory Church has helped with that clean up. The potential buyer was given the ok by the current owners to proceed with repairs before the closing date. The closing date has not been scheduled but the contracts have been signed. Waiting on the survey to be done. Estimates up to 45 days to close. We are past the 89-day council order. Mr. Bradley, the potential buyer was present.

Mayor Pro Tem Chisholm moved, seconded by CM Claridge to extend the existing order for an additional 30 days from today to get the sale of the house complete, permits pulled, and to present a plan of action. All voted "Aye".

14. CONSIDER APPROVAL TO GO OUT FOR BIDS ON THE PRELIMINARY PHASE OF THE RED OAK DRAINAGE IMPROVEMENT PROJECT AS RECOMMENDED BY THE STORM WATER TASK FORCE AND THE CITY ENGINEER.

Mickey Thomas with MJ Thomas was present. There are three phases. First Phase: is in front of the Lions Club property to remove the existing flat gutter and pavement. And to reconstruct a defined new 6 1/2" curb-n-gutter on the city right-of-way the length of the property and to include a new driveway approach into the parking lot. Second Phase: install a new drainage inlet and upsize drainage pipe from the street to the creek channel at the rear of the property at 928 Red Oak. Remove the existing drainage inlet and seal the existing drainage pipe with hydraulic grout. Third Phase: on the Lions Club property, construct a curb-n-gutter on the south end of their lot line then regrade and construct a natural drainage channel from the rear of the Lions Club property to Keith Pumphrey.

The first phase can be completed without impeding additional water down to 928 Red Oak and would help mitigate flooding at 4908 Red Oak. Phase three would need to be constructed next to mitigate flooding at 928 Red Oak area, and to be able to receive the additional water when phase two is constructed.

Storm Water Task Force voted unanimously to recommend to the city council to proceed with advertising for bids for phase one. The estimate cost is \$54,126.00 with 15% contingency, which would bring it to \$62,244.90. This will be paid out of Storm Water funds. All of the owners involved will have to sign an easement letter on each phase in order for the project for that phase to be done.

CM Claridge moved, seconded by Mayor Pro Tem Chisholm to approve going out for bids for the Red Oak Drainage Project. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF RESOLUTION #1100-2023 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES TO ATMOS ENERGY CORPORATION.

CM Claridge moved, seconded by CM Rodriguez to approve Resolution #1100-2023. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

16. CONSIDER APPROVAL OF ADDENDUM TO THE XEROX AGREEMENT DATED MAY 4, 2021 IN ORDER TO LEASE COPIERS SPECIFICALLY FOR FIRE DEPARTMENT OFFICE AND COPY ROOM.

This is for two copiers, one at the FD admin building and one at the Fire Station. The admin building currently has a copier and the Fire Station has desktop printers. Xerox will pay off the lease of the current copier. Both new copiers will not be a budget impact.

CM Turner moved, seconded by CM Claridge to approve the Xerox Agreement Addendum with no additional costs. All voted "Aye".

17. 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-two open positions in Public Works. As of today, Gordon Smith retired. Jeremy Bell will be Interim Director with 60-day evaluations for 180 days.

Ballot Drawing-was held on Thursday, February 23 and the order is enclosed.

Special Called Election-the ballot language has been filed with the county.

Park Master Plan Survey-survey is on website with a link. Provided in both Spanish and English.

Crud Mobile-April 1st from 9:00 – 11:00 a.m. and this will include paper shredding.

Atmos Schedule-enclosed is the latest from Atmos.

Town Hall for EDC Election-can talk with anyone as long as public funds aren't expended. Can not involve city facilities, city employees or city vehicles. A private party can rent the center with no discount. Must be at full rental value. The city can put out a fact sheet but can not take this fact sheet to the event.

18. DISCUSSION AND/OR ACTION ON APPOINTMENT TO THE ECONOMIC DEVELOPMENT BOARD TO FILL THE VACATED PLACE 7 CITIZEN MEMBER.

The vacancy needs to be put on the city website to advertise it more and needs to be discussed with EDC.

No action taken.

19. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 636 SCHIEME-released from substandard.
- 1513 SKYLINE-estate.
- 5016 ALMENA-city did clean up & bring back for Public Hearing.
- 1114 HARVARD-has short time to get it complete or Public Hearing.
- 940 CODY COURT (APT 6-13)-actively working.
- 1011 ROBERTS CUT OFF-conditional c/o.
- 4844 HARTFORD-discussed tonight.
- 1909 YALE-discussed tonight.
- 4833 SHERWOOD-bring back to council.

20. UPDATE FROM PLANNING & ZONING WORKSHOP ON FEBRUARY 21, 2023.

Enclosed are bullet points about what was talked about. Planning & Zoning would like a joint workshop with council. Tonight, need to discuss the secondhand merchandise. The Methodist Church sells secondhand merchandise, and the money goes into a community fund for

community assistance and not for church profit. This property is in the Community Facilities District, and this supports the community. Would like to request from the council to defer enforcement action regarding the sale of secondhand merchandise while the process to amend the zoning ordinance is on-going.

Mayor Pro Tem Chisholm moved, seconded by CM Turner to defer enforcement until the council has made a final decision. All voted "Aye".

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

CM Turner-we are in the red and really need to look at it.

CM Rodriguez-we are losing money. Feels the center has potential. This center should be rented out every weekend and it isn't.

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.

Mayor Pro Tem Chisholm-ribbon cutting March 11, 2023 on the new homes on Boston Lane.

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.

RECONVENE:

34. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

NONE

ADJOURN:

35. ADJOURN

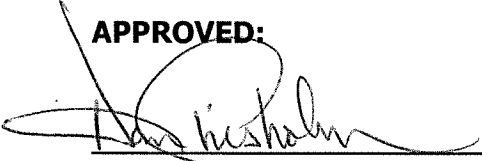
At 8:45 p.m., Mayor Pro Tem Chisholm adjourned the meeting.

ATTEST:



Paula Luck, City Secretary

APPROVED:



Dan Chisholm, Mayor Pro Tem