

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
AUGUST 24, 2021**

MEMBERS PRESENT:

MAYOR JOE ASHTON
MAYOR PRO TEM HOUK
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER YOLIE RODRIGUEZ

STAFF PRESENT:

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

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, August 24, 2021 at River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Mayor Ashton announced Theda Jones and Vernon Hooper both longtime residents passed away. And there was a tragic loss of a child in our community.

2. INVOCATION

Mayor Ashton delivered the Invocation.

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

Mayor 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 10, 2021 REGULAR CALLED COUNCIL MEETING
- B. APPROVE MINUTES OF AUGUST 17, 2021 SPECIAL CALLED COUNCIL MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING AUGUST 24, 2021 (FY 2021)
- D. APPROVE 2021 APPOINTMENTS TO FRIENDS OF RIVER OAKS ANIMAL SHELTER (501 (c)(3))
- E. APPROVE 2021 APPOINTMENTS TO FOUNDATION SUPPORTING THE RIVER OAKS COMMUNITY CENTER

CM Chisholm moved, seconded by CM Rodriguez 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/OR ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

8. CONSIDER AND ADOPT ORDINANCE #1322-2021 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RIVER OAKS, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Craig Cunningham and Sam Gill were present. The bonds were sold today. Received 3 firms and recommends awarding the sale to Raymond, James & Associates at 1.794% interest. The total sources are \$3,520,446.55 which includes the underwriter's discount, cost of issuance, library/city hall improvements, street improvements and rounding amount. We don't have to use specific amounts to each improvement. The net interest is 1.7949551% and the true interest cost is 1.7416951%. The cost of issuances is \$71,665.00 which includes the financial advisor, model and structuring, bond counsel, paying agent/registrar, rating agency fee, AG fee, and miscellaneous. We can refinance in 10 years if the rates are lower. We will have to revise the Ordinance because of the I & S levying lowering.

CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1322-2021 subject to the correction of the I & S. All voted "Aye".

9. CONSIDER APPROVAL TO AWARDED CONSTRUCTION CONTRACT TO EXCEL 4 CONSTRUCTION, LLC FOR TEXAS WATER DEVELOPMENT BOARD PROJECT CWSRF #73749, PRIORITY PROJECT 3, FROM ALL BIDS RECEIVED AND OPENED AT 1:00 P.M. ON AUGUST 18, 2021 IN THE RIVER OAKS COUNCIL CHAMBERS.

Trevor Truss, with Hamilton Duffy was present. This is the last remaining funds, and we can do one more sewer project. Bids were opened on August 18, 2021 and the lowest bid was \$419,406.00 from Excel 4 Construction. The remaining budget is \$379,938.89 and Excel 4 has agreed to a change order. This project will include the intersection of Churchill and Barbara, and a section on Almena.

CM Claridge moved, seconded by CM Chisholm to award the bid to Excel 4 Construction with a change order, making the total amount \$375,355.00. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARING:

10. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON PROPOSED SITE PLAN APPLICATION AS SUBMITTED BY JOLLY WALIA DBA JOLLY'S C STORE LLC IN ORDER TO CONSTRUCT A NEW 6,340 SQUARE FOOT CONVENIENCE STORE WITH REAR DRIVE THRU AND CUSTOMER FUELING STATION WITH 6 GAS PUMPS UNDER A 25-FOOT BY 65-FOOT CANOPY LOCATED ON 28,870 SQUARE FOOT LOT IN A C-2 COMMERCIAL ZONING DISTRICT DESCRIBED AS BEING BLOCK 8, LOT 1 IN THE ROCKWOOD TERRACE ADDITION OTHERWISE KNOWN AS 4710 RIVER OAKS BLVD. (ZONING CASE #SP-PZ2021-0009).

At 7:28 p.m., Mayor Ashton opened the Public Hearing.

Jolly Walia was present. This was presented to the Planning & Zoning Commission on August 16, 2021. Still waiting on TXDOT for the final approval. Once construction starts, it should take about 6-7 months to complete. Lacking is the purchase agreement for the 417 square foot property, the encroachment agreement, and the amending plat. Brought the landscaping plan to the Planning & Zoning Commission. Had to relocate the building due to the drainage lines. Planning & Zoning voted unanimously to recommend to the City Council.

At 7:32 p.m., Mayor Ashton closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: IN ORDER TO CONSIDER APPROVAL OF THE PROPOSED SITE PLAN APPLICATION AS SUBMITTED BY JOLLY WALIA DBA JOLLY'S C STORE LLC IN ORDER TO CONSTRUCT A NEW 6,340 SQUARE FOOT CONVENIENCE STORE WITH REAR DRIVE THRU AND CUSTOMER FUELING STATION WITH 6 GAS PUMPS UNDER A 25-FOOT BY 65-FOOT CANOPY LOCATED ON 28,870 SQUARE FOOT LOT IN A C-2 COMMERCIAL ZONING DISTRICT DESCRIBED AS BEING BLOCK 8, LOT 1 IN THE ROCKWOOD TERRACE ADDITION OTHERWISE KNOWN AS 4710 RIVER OAKS BLVD. (ZONING CASE #SP-PZ2021-0009).

CM Chisholm moved, seconded by CM Claridge to approve the proposed site plan at 4710 River Oaks Blvd. subject to TXDOT approval, with the following actions to be completed: 1) close on sale with the City to purchase 139-feet x 3-feet of right-of-way; 2) enter into an Encroachment Agreement with the City to concrete and have

access for a drive thru (approved by council, waiting to be executed); 3) amend the property plat regarding the boundary line change to incorporate the additional 417 square foot of land that can be approved by the Public Works Director without public hearings (not completed); and 4) obtain TXDOT approval for Egress and Access (in process). All voted "Aye".

12. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION FROM ELATE PROPERTIES TO REZONE APPROXIMATELY 3.9772 ACRES OF LAND IN THE SAINT ELIZABETH'S SUBDIVISION DESCRIBED AS BEING LOTS 23B, 24B & 25B OTHERWISE KNOWN AS 5910 BLACK OAK LANE IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-F" COMMUNITY FACILITY DISTRICT TO A "PD-R4" PLANNED DEVELOPMENT DISTRICT PURSUANT TO SECTION 18 "PLANNED DEVELOPMENT DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED MEETING R-4 SINGLE-FAMILY BASE REGULATIONS PURSUANT TO SECTION 11 OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED IN ORDER TO DEVELOP THE PROPERTY FOR SINGLE-FAMILY HOMES. (ZONING CASE #RZ 2021-0010-PD-R4).

At 7:35 p.m., Mayor Ashton opened the Public Hearing.

Heather Phelps and Juan Mancera with Elate Properties was present. A final presentation was presented to the council. The houses can be moved back depending on how it looks. All garages will have a split look. The price point has changed to \$400,000-\$450,000 because of the number of homes that had to be scaled back to allow for more yard room. All homes will be one story with brick/rock all the way around the houses.

Citizen comments:

Ed Miller, 5901 Meandering-asked if some homes were going to be built to meet ADA compliance and asked where the sewer line is going to be installed. Juan Mancera-There is nothing in the documents requiring the homes to meet ADA compliance. Some things can be accommodated if purchased but all will have to be in the contract of sale. The 8" water main is on the left side and the 8" sewer line is on the right side.

Thomas Stocker, 732 Lynda-very concerned. There are several condemned homes in River Oaks, CISD ratings are not good, the closure of the Library, selling of bonds and concerned property taxes will increase which is hard on the elderly. Doesn't want to see this to pass just to fill a budget void. CM Claridge-the developer wanted to build more houses. Glad to fill a piece of property. Mayor Pro Tem Ashton-all of the properties that are substandard, the city has been working on these for years.

At 8:04 p.m., Mayor Ashton stepped out.

Charles Jerden, 6040 Walnut Drive-big concern is traffic and water drainage.

At 8:06 p.m., Mayor Ashton returned.

Mayor Pro Tem Houk-there are a lot of people moving into our area from out of state which is causing our property values to increase. There are partial facts and misunderstandings on social media. River Oaks freezes taxes for 65 years old and older.

At 8:11 p.m., Mayor Ashton closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1321-2021 TO REZONE APPROXIMATELY 3.9772 ACRES OF LAND IN THE SAINT ELIZABETH'S SUBDIVISION DESCRIBED AS BEING LOTS 23B, 24B & 25B OTHERWISE KNOWN AS 5910 BLACK OAK LANE IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-F" COMMUNITY FACILITY DISTRICT TO A "PD-R4" PLANNED DEVELOPMENT DISTRICT PURSUANT TO SECTION 18 "PLANNED DEVELOPMENT DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED MEETING R-4 SINGLE-FAMILY BASE REGULATIONS PURSUANT TO SECTION 11 OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED IN ORDER TO DEVELOP THE PROPERTY FOR SINGLE-FAMILY HOMES. (ZONING CASE #RZ 2021-0010-PD-R4).

Concerns were addressed by the Planning & Zoning Commission. Property values may go up. This helps fund the Police Department, Fire Department, garbage pickup, etc. The Planning & Zoning Commission voted 3 to 1 to approve. Brad Gallman (Planning & Zoning Member) was present. The board voted to approve, and concerns were addressed.

Other developers want apartments which the citizens did not want. This proposed development is what is best for this piece of property.

CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Ordinance #1312-2021 with all exhibits and language be included in all documents. All voted "Aye".

STAFF REPORTS:

14. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 5901 BLACK OAK LANE
- 5962 BLACK OAK LANE
- 5958 BLACK OAK LANE
- 636 SCHIEME
- 5416 PURDUE
- 1513 SKYLINE

No comments were made about the Substandard Properties.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

15. CONSIDER REQUEST FOR USE OF COMMUNITY CENTER FOR ENTERTAINERS AT A FLAT RATE AS REQUESTED BY SHIRLEY WHEAT.

Would like to charge the entertainers a flat fee and the city keeps all proceeds. This will help with the losses we have had on some events.

Mayor Pro Tem Houk moved, seconded by CM Claridge to move forward with the proposal. All voted "Aye".

16. 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.

Code Red- last count is 752 have signed up.

Landfill Contract-contract with Waste Connections will be brought to council in September.

Tower Lease-still working on contract.

Budget & Tax Rate Schedule-Public Hearing for the FY 2022 Budget is August 31st followed by a Public Hearing on the Tax Rate.

FWTA Route Change September 5th-they will be going down Roberts Cut Off and stopping. There have been several complaints regarding MITS. Mayor Ashton will meet with the FWTA if needed to because this does not need to happen.

Incode Software-we also use Flex Mail for the billing and there was a problem with that software. Staff has found out Flex Mail is not needed and will be cancelling their service. Bills went out late and will be working with the citizens to waive late charges for this month only.

Budget-the most recent budget is online.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

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

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

20. **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

21. **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

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

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

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

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

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

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

CORRESPONDENCE:

28. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

Lawrence, 749 Schilder-Agenda item #10 & #12, would like for staff to include a google map with red line to show exactly where it is located at.

CM Holland-asked about the status on Black Oak property. Carport is down and cars are moved. House is still there.

Mayor Pro Tem Houk-compliments the Police Chief on the way the media was handled.

EXECUTIVE SESSION:

29. 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:

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

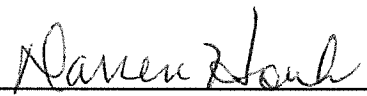
NONE

ADJOURN:

31. ADJOURN


At 8:58 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:



Darren Houk, Mayor Pro Tem

ATTEST:



Paula Luck, City Secretary