

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
AUGUST 9, 2022**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY MANAGER MARVIN GREGORY  
CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHUCK STEWART  
EMERGENCY MGT JAMES MYRICK  
CITY ATTORNEY ANDREA RUSSELL  
EVENT CENTER DIRECTOR SHIRLEY WHEAT  
FIRE CHIEF RUSSELL SHELLEY

**ABSENT:**

CM STEVE HOLLAND  
CM LEIGH ANN TURNER

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 9, 2022 at the 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.

**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 JULY 26, 2022 REGULAR CALLED COUNCIL MEETING
- B. APPROVE MINUTES OF AUGUST 2, 2022 SPECIAL CALLED MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING AUGUST 9, 2022 (FY 2022)

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 OF REQUEST FROM CLAIRE MAKARWICH TO INSTALL SPEED BUMPS ON HALLUM STREET.

This item will be tabled to a later date.

9. CONSIDER APPROVAL TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH ON SKYLINE DRIVE WATER LINE RECONSTRUCTION IMPROVEMENTS PROJECT IN ORDER TO INSTALL A 16-INCH WATER MAIN THAT PROVIDES POTABLE WATER FROM THE CITY OF FORT WORTH TO THE EMERGENCY CONNECTION THAT SERVES RIVER OAKS.

In March 2022, staff presented an update regarding the proposed water line improvements on Skyline from the City of Fort Worth. The City of Fort Worth was contacted by the City of Sansom Park to consider upgrading the existing 10" cast iron water main on Skyline from Hwy 199 to Glade Street. Sansom Park has plans to reconstruct the street adding new curbs and new pavement. City of Fort Worth reached out to us to consider upsizing the 10" water main to a 16" water main. The total length of this section is 1,000 feet. City of Fort Worth cost is 47% of the total costs and City of River Oaks cost is 53% of the total cost. Right now, River Oaks portion is \$254,201.25. This will get our emergency connection up to where it needs to be. The funds will be paid out of the tax note. Sansom Park has the financial responsibility of the street reconstruction only.

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm to approve the interlocal agreement with the City of Fort Worth. All voted "Aye".**

**PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:**

10. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY JOLLY WALIA FOR A SPECIFIC USE PERMIT AT 4710 RIVER OAKS BLVD REGARDING ALCOHOLIC BEVERAGE SALES FROM OFF-PREMISE CONSUMPTION TO AN ON-PREMISE RETAILER LICENSE AS REQUIRED BY TEXAS ALCOHOL BEVERAGE CODE LOCATED IN THE CITY WITHIN A C-2 COMMERCIAL ZONING DISTRICT IN ACCORDANCE TO SECTION 23A.G.3.i AND SECTION 26.B.2.i FOR ON-PREMISE CONSUMPTION, PURSUANT TO ZONING ORDINANCE #1331-2021 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2022-0007)

At 7:15 p.m., Mayor Ashton opened the Public Hearing.

Jolly Walia was present. This stems from the COVID disaster from the Governor. TABC changed the licensing. Mr. Walia will have a machine that is on-premises that will make the drink and then seals them in a cup. This SUP request cost Mr. Walia \$750.00. Planning and Zoning approved 4 to 0 with one member abstained. Mr. Walia showed the plans of what the inside of the store will look like.

At 7:23 p.m., Mayor Ashton closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED APPLICATION FOR A SPECIFIC USE PERMIT REGARDING ALCOHOLIC BEVERAGE SALES FROM OFF-PREMISE CONSUMPTION TO AN ON-PREMISE RETAILER LICENSE AS REQUIRED BY TEXAS ALCOHOL BEVERAGE CODE LOCATED IN THE CITY WITHIN A C-2 COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH SECTION 23.A.G.3.i AND SECTION 26.B.2.i FOR ON-PREMISE CONSUMPTION, PURSUANT TO ZONING ORDINANCE #1331-2021 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2022-0007)

**Mayor Pro Tem Chisholm moved, seconded by CM Claridge to approve Specific Use Permit at 4710 River Oaks Blvd requested for Jolly Walia for the sale of alcoholic beverage (Beer & Wine) in accordance to Section 23A.G.3.i for on-premise consumption pursuant to Zoning Ordinance #1331-2021 as adopted and as amended providing that the following stipulations are complied with: 1) contingent on completing the construction of the convenience store in accordance to the 2015 International Building Code as adopted and as amended and final approval of a commercial certificate of occupancy in order to open the business; and must meet all TABC permitting requirements for alcoholic beverage sales (beer & wine); permit screening fence to be built out of wooden construction; and to refund half of the SUP fee to Mr. Walia. All voted "Aye".**

**ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

12. CONSIDER APPROVAL OF RESOLUTION #1087-2022 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING.

Darwin Winfield with Atmos was present. The final settlement is presented tonight.

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm to approve Resolution #1087-2022. All voted "Aye".**

13. CONSIDER APPROVAL OF ORDINANCE #1354-2022 AMENDING CHAPTER 13 "UTILITIES" ARTICLE 13.02 "UTILITY POLICY", DIVISION 2 "WATER SERVICE POLICY" SPECIFICALLY UNDER SECTION 13.02.039 "RECONNECTION" AND SECTION 13.02.040 "REQUIREMENTS FOR NEW APPLICATIONS FOR UTILITY SERVICE" REVISING THE RECONNECTION PROCEDURE FOR WATER SERVICE RECOMMENDATION AND BY AMENDING THE IDENTIFICATION REQUIREMENTS FOR NEW UTILITY SERVICE APPLICATIONS.

For collection purposes, our collection agency wants to ensure the person is the correct person. If they do not have a US issued picture ID card, another form of identification will be helpful. Would like to add a mailing address requirement on the application. Would like to update that the applicant must provide a closing disclosure, current lease or current property management agreement with his/her name or business on the paperwork. Lease applicants must have the move in dates and list which party is responsible for paying the utility bill. Also, requesting is during reconnection, to add a fee when needed to. If we go out there for our scheduled appointment to reconnect, and no one is there that is over the age of 18, they will be charged a fee.

Brent Forester, 5601 James Drive-does the city require an inspection to see if the same person is renting the house two years later that signed the application? Mayor Ashton-we only require an inspection for an occupant change.

Blythe Reaves will investigate charging a higher water deposit for repeat landlord offenders.

**CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1354-2022. All voted "Aye".**

**OTHER ITEMS FOR DISCUSSION AND/OR ACTION:**

14. DISCUSSION AND/OR ACTION ON APPROVED BUDGET FOR THE FIRE STATION RENOVATION PROJECT.

On August 5, 2022, we received the bids. Council approved the renovation costs in the amount of \$350,000.00 which includes \$50,000.00 architect fee. The total bid came in at \$591,000.00 due to the rising construction cost. Staff is requesting an additional \$190,000.00 to be paid out of the construction bond. This will not get us the heaters and exhaust system. The current

exhaust system and heaters do not work. The heaters and the exhaust system will cost \$190,000.00.

**CM Claridge moved, seconded by CM Rodriguez to approve the additional \$190,000.00 and adding approximately \$60,000 for the exhaust system and not add in the heaters at this time. All voted "Aye".**

15. DISCUSSION AND/OR ACTION ON STAFF PRESENTATION REGARDING CITY HALL ADMINISTRATION AND PUBLIC WORKS EMPLOYEE RECRUITMENT AND RETAINAGE EFFORTS INVOLVING COMPRESSED WORK SCHEDULES, SALARY STUDIES, ONE-TIME INFLATION RETAINAGE AGREEMENT; INCENTIVE ANDON-CALL PAY.

The key employees met recently and requested Option #2 which is Monday thru Thursday 7:30 a.m. to 5:30 p.m. and Friday 7:30 a.m. to 11:30 a.m. Staff will be collecting data for 90 days and bring back the results to council. Garbage service will remain the same. There will be two Public Work employees that will work this schedule and the rest of the Public Work Employees (not including sanitation) will work Monday thru Thursday 7:30 a.m. to 5:30 p.m. with a paid 30-minute lunch. These hours will start September 28, 2022 which is when the new pay period starts.

This item will be discussed more during the budget workshop.

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.

Personnel-hired one Police Officer.

Tower Lease-same

Jolly Dreams-discussed earlier.

Black Oak Development-on going project.

**WORK SESSIONS & ACTON FROM WORK SESSIONS:**

17. WORK SESSION: FY 2023 CITY OPERATIONAL BUDGETS, AD VALOREM & DEBT TAX RATE DISCUSSIONS (OCTOBER 1, 2022 – SEPTEMBER 30, 2022)

I. 2022 TAX AND DEBT RATE & II. FY 2023 BUDGET PROPOSAL-with the proposed tax rate of \$0.754168/\$100, the General Fund is in the red and Water Sewer is in the black. We have added everything we can think of in General Fund revenues to help the fund. The focus this year is to increase the employees pay rate to where they should be or close to it. There is no water rate increase but there is a sewer rate increase. That increase goes to the City of Fort Worth. In our reserve accounts, we need 90 days. We currently do not have 60 days in reserves. It was proposed for EDC to pay for half of the Executive Director and Secretary's salary, but EDC did not

approve it because it wasn't a justifiable expense. Therefore, that money was added back into the General Fund.

At 8:54 p.m., Mayor Ashton requested a recess.

At 9:06 p.m., Mayor Ashton reconvened into Open Session.

Added into the budget is a \$1,000.00 inflation retainage amount to all full-time employees who have been employed a year. There is on-call pay for the water guys who are on stand-by.

To go from a \$0.735558 to a \$0.754168 tax rate, that is a \$86,000.00 increase in revenues. Council directed staff to move forward with the \$0.735558 tax rate.

18. ACTION FROM WORK SESSION, IF ANY.

No action taken.

#### **CONTINUATION OF ITEM #15:**

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm to approve Option #2 which is a 40-hour work week with Monday thru Thursday from 7:30 a.m. to 5:30 p.m. with a one-hour lunch and Friday from 7:30 a.m. to 11:30 a.m. on a 90-day trial period. All voted "Aye".**

**CM Claridge moved, seconded by CM Rodriguez to approve the salary survey, sign-on bonus, one-time inflation agreement and the on-call pay as presented. CM Claridge and CM Rodriguez voted "Aye". Mayor Pro Tem Chisholm voted "Nay". Motion passed.**

#### **CORRESPONDENCE:**

19. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-asked about the road in front of 920 Roberts Cut Off. CM Gregory-we have a meeting with NCTCOG and will have an update.

CM Rodriguez-thanked Police and Fire for all they do. CISD classes start tomorrow.

Mayor Pro Tem Chisholm-budget time is never a fun time. Looking out for good decisions for the city.

Mayor Ashton-respects staff and the council. Went to the CISD event last week and it was a good turnout. We have a good partnership with the school.

**EXECUTIVE SESSION:**

20. 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:**

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

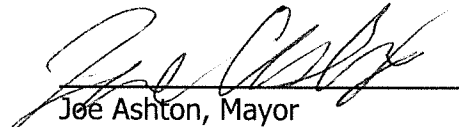
**NONE**

**ADJOURN:**

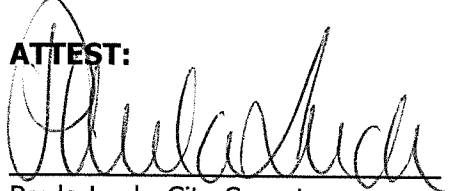
22. ADJOURN

**At 9:46 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".**

**APPROVED:**

  
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Joe Ashton, Mayor

**ATTEST:**

  
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Paula Luck, City Secretary