

**MINUTES OF THE SPECIAL CALLED MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 6, 2022**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY MANAGER MARVIN GREGORY  
CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
DEPUTY POLICE CHIEF ERIC PERKINS  
EMERGENCY MGT JAMES MYRICK  
FIRE CHIEF RUSSELL SHELLEY

**ABSENT:**

NONE

1. CALL TO ORDER

With a quorum present, Mayor Ashton called the Special Called Meeting of the River Oaks City Council to order at 6:00 p.m. on Tuesday, September 6, 2022 at the 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 FROM AUGUST 30, 2022 SPECIAL COUNCIL MEETING

**Mayor Pro Tem Chisholm moved, seconded by CM Rodriguez to approve the Consent Agenda Item #A. All voted "Aye".**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**NONE**

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

8. ACTION FROM AUGUST 30, 2022 PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1358-2022 AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 AT THE RATE OF \$0.754168 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL.

The highest tax rate that can be approved without an election is \$0.754168/\$100 which is the voter approved rate. This tax rate was included in the budget that was adopted last week. If we adopt a \$0.732086/\$100 tax rate, the city will lose \$84,000 in revenues. By adopting the higher rate, the city will have a black budget in two years.

Deputy Police Chief Perkins was contacted by the military base, and they have a program of military men and women who are within a year of getting out of the military, can attend the police academy and they can be recommended to us for hire.

**CM Holland moved, seconded by Mayor Pro Tem Chisholm to approve Ordinance #1358-2022 adopting the tax rate of \$0.754168/\$100. CM Holland, Mayor Pro Tem Chisholm, CM Turner and CM Rodriguez voted "Aye". CM Claridge voted "Nay". Motion passed.**

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

9. CONSIDER AND ADOPT ORDINANCE #1359-2022 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF RIVER OAKS, TEXAS TAX NOTE, SERIES 2022; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE PAYMENT OF SAID NOTE; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Craig Cunningham was present. This seven-year tax note is to help build the clarifier along with Rescue Act funds. If the city receives any money from litigation, that money can be used towards this tax note. The interest rate with Amegy Bank is 3.25%.

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm to approve Ordinance #1359-2022 with Amegy Bank. All voted "Aye".**

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

10. CONSIDER APPROVAL TO ISSUE A SPECIAL PERMIT TO ELATE FUND I REGARDING THE DEVELOPMENT AT 5910 BLACK OAK LANE INVOLVING CONSTRUCTION WORK PERFORMED AFTER 10:00 P.M. AND BEFORE 6:00 A.M. THAT IS IN VIOLATION OF ARTICLE 8.03 "NOISE" SPECIFICALLY IN SECTION 8.03.008 "ERECTION, EXCAVATION, DEMOLITION, ETC., OF BUILDINGS AT NIGHT".

Juan Mancera was present. The nuisance ordinance states between the hours of 10 p.m. and 6 a.m., there cannot be any construction noise. The request is on either September 12<sup>th</sup> or September 13<sup>th</sup>, concrete trucks will arrive at midnight and start pouring at 1:00 a.m. This project should be complete around noon. There will be 40 concrete trucks and lighting. The neighbors will be notified.

Amy Beck, 904 Gillham-wants to make sure that this is for one day only.

Scott Bretz, 5813 Black Oak-asked if this contractor owns the lot across the street where staging is occurring? PWD Smith-the city has a contractor replacing waterlines and it is their staging area.

Yvonne Shelnutt, 920 Gillham-getting flooded. Sand is built up and got a lot of debris from the flood in the yard. PWD Smith-have been working with an engineer.

**CM Claridge moved, seconded by CM Holland to approve a one-day Special Permit to perform work out of normal hours. All voted "Aye".**

11. CONSIDER APPROVAL OF REQUEST FROM ELATE FUND I AT 5910 BLACK OAK LANE FOR THE CITY COUNCIL TO WAIVE THE JULY 26<sup>TH</sup> DECISION NOT TO ISSUE BUILDING PERMITS UNTIL DETENTION POND IS CONCRETED IN ACCORDANCE TO STAFF REQUIREMENTS AND THE ACCEPTANCE OF DEEDING LOT 1X OVER TO THE CITY.

Juan Mancera was present. All utilities are installed. Extra time is needed to concrete the detention pond because of finances. Would like to get 10 homes sold and built, then concrete the detention pond before the 11 house begins. PWD Smith is comfortable with this request. The pond will have a floor and walls protected during this waiting period.

**CM Claridge moved, seconded by Mayor Pro Tem Chisholm to waive the July 26, 2022 decision and allow Elate Fund I to go ahead and build 10 homes, then finish the pond, and then permit and start the 11<sup>th</sup> home. All voted "Aye".**

**CORRESPONDENCE:**

12. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Rodriguez-trying real hard to have a Christmas Parade either December 10<sup>th</sup> or December 17<sup>th</sup>.

CM Turner-wished Elate Fund I good luck on the obstacles. Reminded council members that we are still a unified group.

CM Claridge-doesn't have an issue holding a meeting if a business needs us to.

Mayor Ashton-urged residents to meet your neighbors.

**NONE**

**EXECUTIVE SESSION:**

13. 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:**

14. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**NONE**

**ADJOURN:**

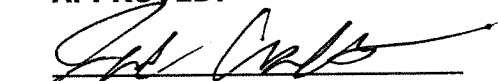
15. ADJOURN

**At 7:12 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".**

**ATTEST:**

  
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Paula Luck, City Secretary

**APPROVED:**

  
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Joe Ashton, Mayor