

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
NOVEMBER 9, 2021**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY MANAGER MARVIN GREGORY  
CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
DEPUTY POLICE CHIEF CHUCK STEWART  
EMERGENCY MGT JAMES MYRICK  
CITY ATTORNEY BETSY ELAM  
FIRE CHIEF RUSSELL SHELLEY  
BUILDING INSPECTOR STEVE SANDERS  
EVENT CENTER DIRECTOR SHIRLEY WHEAT

**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 7:01 p.m. on Tuesday, November 9, 2021 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 OCTOBER 26, 2021 REGULAR CALLED COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING OCTOBER 26, 2021 (FY2022)

C. APPROVE 2022 MEMBERSHIP RENEWAL WITH TEXAS COALITION OF CITIES FOR UTILITY ISSUES (TCCFUI)

**CM Claridge moved, seconded by CM Rodriguez 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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**

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

8. PUBLIC HEARING: IN ORDER TO RECEIVE INPUT ON THE CDBG-CV COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS THAT WILL PREPARE, PREVENT, AND RESPOND TO CORONAVIRUS USING TARRANT COUNTY'S SHARE OF HUD'S CDBG-CARE'S ACT FUNDS (CDBG-CV) FOR THE CITY OF RIVER OAKS INVOLVING A PROJECT FOR THE EXPANSION OF THE RIVER OAKS FIRE STATION AT 4900 RIVER OAKS BLVD.

At 7:05 p.m., Mayor Ashton opened the Public Hearing.

PWD Smith passed out a ballot to the residents present which needs to be filled out.

At 7:07 p.m., Mayor Ashton closed the Public Hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RESOLUTION #1066-2021 AUTHORIZING THE CITY MANAGER TO SUBMIT THE CDBG-CV COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS PROJECT SUBMITTAL FOR THE CITY OF RIVER OAKS TO TARRANT COUNTY COMMUNITY DEVELOPMENT.

**Mayor Pro Tem Houk moved, seconded by CM Chisholm to approve Resolution #1066-2021. All voted "Aye".**

10. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION FOR A SPECIFIC USE PERMIT REGARDING ON-PREMISE ALCOHOLIC BEVERAGE SALES (BEER & WINE) AS REQUESTED BY KRIS FRANKS FOR THE PROPERTY LOCATED AT 5406 RIVER OAKS BLVD. PURSUANT TO ZONING ORDINANCE #1286-2020 AS ADOPTED AND AS AMENDED IN SECTION 23A "SPECIFIC USE PERMITS", 23A.G "SPECIFIC USE PERMITS FOR CERTAIN USES" #3a THRU i & 23A.G. #3k THRU 3m, SPECIFIC USE PERMITS FOR THE SALE OF

ALCOHOLIC BEVERAGES IN A "C-2" COMMERCIAL ZONING DISTRICT, AND ALSO IN SECTION 26 "ALCOHOLIC BEVERAGE SALES" B. "WHERE PERMITTED; SPECIAL USE PERMIT" #2a THRU i & 26.b #2k THRU 2m. (ZONING CASE #SUP2021-0011).

At 7:09 p.m., Mayor Ashton opened the Public Hearing.

Tracy Emerson was present representing Boulevard Brew. The kitchen will be remodeled to serve food. The bar area will seat four people. The request is for beer & wine only. Planning & Zoning questioned the parking which there is 45 total spaces. The fence must be masonry or steel according to the City Ordinance. All of the other requirements are met. The Planning & Zoning voted 4 to 1 to approve the request. It is important to monitor and manage the 30% or less of gross revenues will be from the sale of alcoholic beverages.

At 7:14 p.m., Mayor Ashton closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF APPLICATION SUBMITTED FOR A SPECIFIC USE PERMIT REGARDING ON-PREMISE ALCOHOLIC BEVERAGE SALES (BEER & WINE) AS REQUESTED BY KRIS FRANKS AND AS RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION FOR THE PROPERTY LOCATED AT 5406 RIVER OAKS BLVD. PURSUANT TO ZONING ORDINANCE #1286-2020 AS ADOPTED AND AS AMENDED IN SECTION 23 A "SPECIFIC USE PERMITS" 23A.G. "SPECIFIC USE PERMITS FOR CERTAIN USES" #3a THRU I & 23 A.G. #3k THRU 3m, SPECIFIC USE PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES IN A "C-2" COMMERCIAL ZONING DISTRICT, AND ALSO IN SECTION 26 "ALCOHOLIC BEVERAGE SALES" B. "WHERE PERMITTED; SPECIAL USE PERMIT" #2a THRU I & 26.B #2k THRU 2m. (ZONING CASE #SUP 2021-0011).

**CM Chisholm moved, seconded by CM Claridge to approve the Specific Use Permit at 5406 River Oaks Blvd. requested for by Kris Franks for the sale of alcoholic beverages (beer & wine permit) in accordance to Section 23.A.G.3.i and in accordance to Section 26.B.2.i for on-premise consumption pursuant to Zoning Ordinance #1286-2020 as adopted and as amended providing that the following stipulations are complied with: 1) contingent on council approving the variance waiving the requirement for a 6-foot minimum masonry or steel screening fence between their property that is selling alcohol and property zoned residential; 2) must meet TABC permitting requirements for Alcoholic Beverage Sales (beer & wine); 3) must maintain the fence. All voted "Aye".**

12. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 636 SCHIEME.

At 7:20 p.m., Mayor Ashton opened the Public Hearing.

CA Elam commented that CM Holland will not be able to vote since he can not be seen while attending virtually. Notifications have been sent out. Was told the family is taking it to probate on January 25, 2022. The daughter of the owner was present. The owner passed away September 27, 2020. The daughter has no help from her brother. The daughter wants to sell the property and has a realtor lined up but can not do anything until after January 25, 2022.

This Public Hearing will remain open until February 8<sup>th</sup>, 2022.

13. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 636 SCHIEME 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.

**None taken.**

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

14. CONSIDER REQUEST TO USE RIVER OAKS EVENT CENTER FOR CASTLEBERRY HIGH SCHOOL SENIORS FOR A WINTER DANCE.

This is an opportunity for the senior class to raise money. Several parents, the Wheat family, Steve Sanders and an Officer will be in attendance.

**CM Claridge moved, seconded by CM Chisholm to approve the Castleberry High School Seniors to use the Event Center for a winter dance. All voted "Aye".**

15. CONSIDER APPROVAL TO EXPEND FUNDS FROM THE RESCUE ACT TO OFFSET THE DEFICIT BALANCE IN ORDER TO COMPLETE THE WATER DISTRIBUTION SYSTEM IMPROVEMENTS PRIORITY 3 PROJECT UNDER DWSRF #62731 WITH TWDB.

On July 24, 2020 and later revised on September 14, 2020 the engineer provided a mathematical accounting of construction funds under the TWDB DWSRF Project #67231, and reported the remaining construction funds available was \$967,193.25, which would leave us approximately \$104,291.15 left after the project was completed. TWDB recently notified us that the contract originally was for \$862,902.10 less the total amount paid so far of \$564,878.59 to date would leave another \$298,023.51 remaining to be paid on the contract to Reytech upon completion with only \$86,828.36 available now to pay on it. That would leave \$211,195.15 short if there are no more change orders or engineering fees. The city auditor said we can use Rescue Act funds for this.

**CM Claridge moved, seconded by CM Rodriguez to approve expending funds from the Rescue Act to offset the deficit balance. All voted "Aye".**

16. REQUEST FROM PUBLIC WORKS DIRECTOR TO EXPEND FUNDS FROM THE RESCUE ACT IN ORDER TO COMPLETE CWSRF #73741 FOR SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS PHASE 3 AS BID.

Tevor Truss was present. Excel 4 Construction was the low bidder of \$419,406.00. Staff decided to remove a section of Long Street to bring the bid back into the construction budget of \$385,000.00. Since the Tarrant County Bond has passed, we are asking to keep the sewer improvements on Long Street and use funds from the Rescue Act to fund the remaining balance.

During the pre-work conference, it was mentioned that the 18" pipe near the apartment complex may cause damage to the building and sidewalk during the pipe bursting process because it is within 10' of the building. The contractor recommended moving the line an additional 10' of the building and maintain the 18" pipe diameter. To add Long Street back and make the needed adjustment on the 18" pipe, increases the contract to \$492,455.00. We are requesting \$107,455.00 from the Rescue Act.

**Mayor Pro Tem Houk moved, seconded by CM Claridge to approve expending funds from the Rescue Act to complete Phase 3. All voted "Aye".**

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

17. CONSIDER APPROVAL OF ORDINANCE #1329-2021 AMENDING CHAPTER 8 "OFFENSES AND NUISANCES" INCORPORATING ARTICLE 8.10 "RESTRICTION OF RESIDENCY OF SEXUAL OFFENDERS AGAINST CHILDREN" MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN 1,500 FEET OF PREMISES WHERE CHILDREN GATHER; MAKING IT UNLAWFUL TO LEASE, RENT, OR PROVIDE LIVING SPACE TO CERTAIN SEX OFFENDERS WHEN SUCH WOULD RESULT IN VIOLATION OF THIS ORDINANCE.

The map enclosed includes all parks, schools and churches. Council would like to include all sports areas, Camp Carter, and churches on Roberts Cut Off that are not in our city. The churches must be a place that children gather. CA Elam said the places listed, do not have to be in River Oaks. This regulates where they live only. The current sex offenders are grandfathered. Citizen Kelly Hooper would like to see bus stops included in this.

**CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Ordinance #1329-2021 with the City Attorney's changes. All voted "Aye".**

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

18. 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.

Tower Lease-no update.

Rescue Act-been meeting with vendors for the filtration system.

Zoning Text Amendments-the moratorium will expire on December 12<sup>th</sup>, 2021. The Planning and Zoning will meet on December 6<sup>th</sup> and will need to hold a Special Council Meeting on December 7<sup>th</sup> at 6:00 p.m.

Proposition A-this passed and will be working with Tarrant County as to when the streets we applied for can be started.

PWD Smith-there will be a couple of tie-ins in the morning. Having staffing issues in Public Works. Juan Guerra at the Water Treatment Plant has resigned and Justin Woodall a 13-year employee has resigned to work for another city.

CM Gregory-City offices will be closed this Thursday for Veteran's Day and garbage will be picked up.

**CORRESPONDENCE:**

19. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-thanked council for honoring the Public Information Act by letting citizens talk during the meeting.

CM Holland-MPS fundraiser on November 20<sup>th</sup>. It will be a drive-by from 2 p.m.-4 p.m. There will be an auction, donations, and giveaways.

Mayor Pro Tem Houk-met with Collier Albright and the construction is not moving fast enough. Been delays on getting supplies in. The sign was installed today.

CM Chisholm-attended funeral of Johnny Prince. He was a resident here and worked in law enforcement for over 40 years.

CM Gregory-Ana Juarez visitation is November 19<sup>th</sup> at Mount Olivet. The funeral is November 20<sup>th</sup> but not sure if it will be at the church or funeral home.

**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

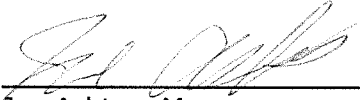
**NONE**

**ADJOURN:**

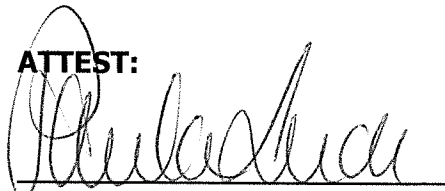
22. ADJOURN

**At 8:31 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