

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

MEMBERS PRESENT:

MAYOR JOE ASHTON-6:43 P.M.
MAYOR PRO TEM DARREN HOUK-6:56 P.M.
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
FIRE CHIEF RUSSELL SHELLEY
POLICE CHIEF CHRIS SPIELDENNER
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS DIRECTOR GORDON SMITH
BUILDING INSPECTOR STEVE SANDERS
EVENT CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

NONE

PRE-COUNCIL MEETING WORK SESSION 6:30 P.M.

CM Claridge moved, seconded by CM Rodriguez to appoint CM Holland to conduct the Work Session.

1. SPECIAL PRESENTATION BY JOSH PULIS OF DUST FREE ON ACTIVE AIR PURIFIERS.

Blake Schneider was present. This device helps with dust, dander, COVID, gasses, germs, allergens, etc. This kills viruses on surfaces and ones floating in the air. This device is 99.7% effective on killing viruses and it was tested for COVID and within 30 minutes in a room, the COVID detection was gone. This device is installed on each a/c unit and it \$700.00 per unit which includes installation. The bulb will need to be replaced every two years.

2. DISCUSS ITEMS AND PRESENTATIONS LISTED ON TONIGHT'S CITY COUNCIL AGENDA.
3. RECOGNITION OF RETIRING PUBLIC WORKS EMPLOYEE, JESSE MARTINEZ.

Jesse Martinez was not in attendance. PWD Smith said Mr. Martinez has been with River Oaks for about 17 years and is the most dedicated employee we have. He works in the water metering department and is very dependable. There will be a small ceremony on February 16, 2021 at 11:30 a.m. in the garage area.

4. ACTION, IF ANY, FROM WORK SESSION.

NONE

At 6:55 p.m., Mayor Ashton called for a recess and to convene into the Regular Meeting at 7:00 p.m.

CITY COUNCIL REGULAR MEETING 7:00 P.M.

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, February 9, 2021 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

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 JANUARY 26, 2021 REGULAR CALLED COUNCIL MEETING
- B. APPROVAL BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 9, 2021 (FY 2021)
- C. APPROVE 2020 RIVER OAKS POLICE DEPARTMENT RACIAL PROFILING REPORT
- D. RESIGNATION OF JIMMY WARRINER AS THE PLACE 3 PARKS BOARD MEMBER

Council removed #C & #D from the Consent Agenda for further discussion.

#C-CM Holland noticed an error on page 3 of 9 on the Racial Profiling Report. Under "was race or ethnicity known prior to the stop", it should read 4,513 for no and 12 for yes.

#D-all thanked Jimmy Warriner for approximately 17 years of service on the Park Board. He has brought a lot of knowledge to the board during his years of service.

CM Holland moved, seconded by CM Claridge to approve the Consent Agenda Items #A-D as amended in Item #C with the corrections noted above. 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

At this time, Mayor Ashton skipped to Item #15 & #16.

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

There were several complaints on this property. BI Sanders deemed this property substandard and presented pictures to the council. It is a fire hazard. Was unable to inspect the plumbing because of all the items in the house. There are several junk vehicles in the back yard and code enforcement is working them. The house is currently unoccupied, and it is unsafe for anyone to live in it. There are also foundation issues. The Hendershot family is in attendance and did not realize the house was that bad. There is a lot of memories to go thru. Would like six months before demolishing so the owners can go thru the items in the house.

At 7:21 p.m., Mayor Ashton closed the Public Hearing.

#16: CM Chishom moved, seconded by CM Claridge to find that the building located at 5901 Black Oak Lane based on evidence presented at the hearing, is Substandard and: 1) that the conditions set forth in the Building Official's report exist to the extent that the life, health, property, or safety of the public (and occupants of the building(s), if applicable) are endangered; and 2) that the owner has been given an opportunity in the past to make the necessary repairs, and there is no reasonable probability that the building(s) will be repaired within a reasonable period of time if additional time is given; and therefore, ORDER that the building(s) located at 5901 Black Oak Lane be demolished and the debris removed from the property within 89 days and the Lienholder or Mortgagee to within an additional 30-days if the owner does not comply; and 3) if the owner fails to demolish or remove the building within 89 days and the lienholder or mortgagee to within an additional 30-days if the owner does not comply, the city shall demolish the building at its expense and place a lien on the property to recover its costs; and 4) weekly follow ups will be held with the Building Inspector. All voted "Aye".

8. CONSIDER APPROVAL OF INTERLOCAL LOCAL AGREEMENT WITH CASTLEBERRY INDEPENDENT SCHOOL DISTRICT FOR STREET IMPROVEMENTS.

This agreement has been back and forth from the city attorney to the CISD attorney. The final agreement is presented tonight. The school board will have this on their agenda at their next regular meeting in March 2021. This agreement is for fixing the streets only.

CM Claridge moved, seconded by CM Rodriguez to approve the interlocal agreement with CISD for street improvements. All voted "Aye".

9. CONSIDER APPROVAL OF PARKS BOARD RECOMMENDATION IN ORDER FOR HERITAGE PARK TO BE DESIGNATED AS A COMMUNITY GARDEN WITH GOALS AND OBJECTIVES FOR CITIZENS TO PLANT AND MAINTAIN.

Erika Caywood and Park Board Chairman David Ballard was present. Proposed to the Park Board was to create a vegetable garden at Heritage Park. The stones and beds will be repurposed. The public can come out and pick vegetables and anyone can plant. A Facebook page has been started to get the word out. Will need about eight weeks to prepare the beds before any planting can be done. If this project goes well, will look at expanding to maybe the Event Center. Have been talking with the Girl Scouts and they will be involved. The Park Board will supervise to make sure all is maintained properly. The Park Board approved unanimously to recommend this project to the City Council for approval.

CM Claridge moved, seconded by CM Rodriguez to approve the Community Garden at Heritage Park. All voted "Aye".

10. DISCUSSION AND/OR ACTION REGARDING CHANGE ORDER AND FINAL QUANTITIES FOR TWDB PROJECT DWSRF CID-03, PHASE 2 WATER SYSTEM IMPROVEMENTS.

This is for Phase 2 Water Change Order #3 for additional work and quantities in the amount of \$48,408.25.

CM Claridge moved, seconded by CM Rodriguez to approve Change Order #3. All voted "Aye".

11. DISCUSSION AND/OR ACTION FROM TELECOM LAW FIRM, P.C. REGARDING THE EXPIRING TOWER LEASE AT CITY HALL.

Recommendation from Telecom Law firm is to accept the 2.5% escalator, 25% revenue share for all future co-locators, and one-time signing bonus to offset telecom counsel fees with the caveat. Recommended is accepting the 50-year lease term in exchange for an additional \$197 rent each month bringing the new rent to \$1,697 per month which splits the difference between what the city originally asked for (\$1,894 per month) and what American Tower is now proposing (\$1,500 per month). If the city prefers a shorter lease term, recommended accepting the newly proposed \$1,500 per month rent offer and countering back to American Tower with a 35-year lease term.

The current 25-year agreement expires in December 2021. Council proposes the 35-year lease term. No action taken.

12. DISCUSSION AND/OR ACTION ON LIBRARY DOLLAR DONATION FUNDS AS RECOMMENDED BY CITY AUDITOR.

There is currently \$11,187.54 in the Library Dollar Donation Fund. The City Auditor recommended getting Council's approval on where to move this money to. The Library dollar donation funds were raised before the animal shelter fund was established but the 501c(3) was established two years ago. There will be expenses with closing the Library but there will also be money gained from the selling of the furniture, books, and DVD's.

CM Claridge moved, seconded by CM Rodriguez to move the balance in the Library Dollar Donation Fund to the Animal Shelter Dollar Donation Fund. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON A PROPOSED TEXT AMENDMENT AS REQUESTED BY DUSTIN TEEMS TO THE COMPREHENSIVE ZONING ORDINANCE #1286-2020, REVISING SECTION 11 "R-4" SINGLE FAMILY DISTRICT, SECTION 11C "DEVELOPMENT REGULATIONS" #8 "DEPTH OF LOT" FOR CORNER LOTS IN A "R-4" SINGLE FAMILY ZONING DISTRICT FRONTING 2 STREET FRONTAGES BEING SUBDIVIDED THAT WOULD CREATE A SINGLE INTERIOR LOT LESS THAN 110-FEET IN DEPTH (CASE #PZ2021-0001).

At 8:01 p.m., Mayor Ashton opened the Public Hearing.

Mr. Teems was present. This lot is a large corner lot on Dartmouth & Yale. Most of the other lots in that area that are close to the same size has been divided into two lots. No neighbors responded to the letter sent out. Parking is an issue on Yale. The city can place a condition for parking when the plans are submitted.

At 8:10 p.m., Mayor Ashton closed the Public Hearing.

14. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1302-2021 AMENDING SECTION 11C "DEVELOPMENT REGULATIONS" #8 "DEPTH OF LOT" OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 PROVIDING THAT CORNER LOTS IN "R-4" SINGLE FAMILY ZONING FRONTING 2 STREET FRONTAGES BEING SUBDIVIDED WOULD CREATE A SINGLE INTERIOR LOT LESS THAN 110-FEET IN DEPT CAN ONLY BE APPROVED BY A SPECIAL PERMIT ISSUED BY THE CITY COUNCIL. (CASE #PZ2021-0001).

CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1302-2021. All voted "Aye".

15. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC INPUT ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT 5901 BLACK OAK LANE.

This item was done after Item #7.

16. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT 5901 BLACK OAK LANE 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.

This item was done before Item #8.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

17. CONSIDER APPROVAL OF ORDINANCE #1303-2021 AMENDING ARTICLE 12.05 "STOPPING, STANDING & PARKING" IN SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" SPECIFICALLY UNDER 12.05.012(s) "OTHER SPECIAL STOPPING INTERSECTIONS" BY ADDING 12.05.12(s).17 "YALE STREET" DESIGNATING SPECIAL STOP INTERSECTIONS AT DARTMOUTH & TULANE ON YALE STREET.

This is what PC Spieldenner recommended at the last council meeting to slow traffic down.

CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1303-2021. All voted "Aye".

18. CONSIDER APPROVAL OF RESOLUTION #1040-2021 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 RELATED TO ATMOS ENERGY CORPORATION.

This is the same Resolution as years past.

CM Holland moved, seconded by CM Chisholm to approve Resolution #1040-2021. All voted "Aye".

19. CONSIDER APPROVAL OF ORDINANCE #1304-2021 AMENDING THE 2020-2021 FISCAL YEAR GENERAL FUND BUDGET DUE TO UNPLANNED UPGRADES TO POLICE DEPARTMENT SECURITY SYSTEM AND TECHNOLOGIES.

This item will be discussed in Executive Session.

20. CONSIDER APPROVAL OF RESOLUTION #1041-2021 EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF STREET, BUILDING AND PUBLIC SAFETY EQUIPMENT AND TECHNOLOGY PROJECTS.

This item will be discussed in Executive Session.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

21. DISCUSSION AND/OR ACTION ON MAYOR'S RECOMMENDATION FOR APPOINTMENT OF PARKS BOARD MEMBERS TO FILL VACATED SEATS ON THE BOARD.

CM Chisholm moved, seconded by CM Claridge to approve appointing James Myrick to the vacated position of Place 3 in the Park Board. All voted "Aye".

22. DISCUSSION AND/OR ACTION TO CONTINUE, AMEND, RESCIND OR SUPERSEDE PREVIOUS LOCAL DISASTER ORDERS REGARDING COMMUNITY CENTER RENTALS AND/OR YARD/GARAGE SALES.

Mayor Ashton requested this to be put on the agenda. We are not out of the woods yet, but we have seen a decrease in numbers recently. The surrounding cities are allowing yard sales. We will have to continue with the disaster order but can amend it. It was suggested to have the resident filling out the application to also fill out a COVID check list. The city does get the address of the COVID positive cases, but it isn't for public knowledge. There have been about five incidents where someone came in to get a yard sale permit and that house had tested positive at that time.

CM Claridge moved, seconded by Mayor Pro Tem Houk to allow yard/garage sales effective February 23, 2021. All voted "Aye".

Fort Worth and other cities are allowing some of their facilities available to rent. And there are some cities that are not allowing rentals. The occupancy at 50% for seating will be 60 people and non-seating would be 128 people. They will need to follow all rules and restrictions set in place to rent. It will be up to the monitor to enforce the rules. The Fire Department can enforce the rules also. The county rules are 50% capacity, and everyone will wear masks unless they are eating and/or drinking. A resolution will have to be brought back to amend the disaster order at the next council meeting.

CM Claridge moved, seconded by CM Rodriguez to attempt to re-open the Event Center to rentals on February 24, 2021 with the following of all restrictions and regulations. All voted "Aye".

23. 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.

There are no new updates on the Boundary Adjustment with Fort Worth.

Jesse Martinez retirement date is February 16, 2021.

Closer on the landfill contract.

CORRESPONDENCE:

24. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-attended Westworth Village council meeting and it was brought up several times that they do not want a River Oaks Blvd and a White Settlement Road in their city.

Mayor Pro Tem Houk-someone is looking at opening a restaurant in River Oaks which is currently in negotiations. Thanked all employees especially during the COVID.

EXECUTIVE SESSION:

25. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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.

At 9:10 p.m., Mayor Ashton went into Executive Session under Sections 551.071, 551.072, 551.074 & 551.076.

At 9:40 p.m., Mayor Ashton reconvened into Open Session.

RECONVENE:

26. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Item #19-CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1304-2021. All voted "Aye".

Item #20-CM Claridge moved, seconded by CM Chisholm to approve Ordinance #1041-2021. All voted "Aye".

ADJOURN:

27. ADJOURN

At 9:42 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor

ATTEST:



Paula Luck, City Secretary

RIVER OAKS PLANNING AND ZONING COMMISSION

February 8, 2021

To Mayor and City Council:

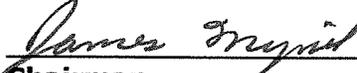
On this date, **February 8, 2021** the Planning and Zoning Commission of the City of River Oaks, met at 7:30 P.M. for a special called meeting in accordance to the Rules and Procedures. As a part of that Meeting the P & Z requests and **recommends** to the Mayor and to the City Council the following:

The P & Z of the City of River Oaks voted, 5 Ayes and 0 Nays to recommend to the City Council of River Oaks to:

APPROVE PROPOSED ZONING TEXT AMENDMENT TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE AS SUBMITTED (Zoning Case 2021-0001).

NOT APPROVE PROPOSED ZONING TEXT AMENDMENT TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE (Zoning Case 2021-0001) for the following reasons:

APPROVED THIS THE 8th DAY OF FEBRUARY 2021 BY:


Chairman
Planning and Zoning Commission

ATTEST:


Zoning Secretary

RIVER OAKS PARKS BOARD

February 4, 2021

To Mayor and City Council:

- On this date, **February 4, 2021** the Parks Board of the City of River Oaks, met at 6:30 P.M. for a regular meeting in accordance to the Rules and Procedures. As a part of that Meeting the Parks Board requests and **recommends** to the Mayor and to the City Council the following:

The Parks Board of the City of River Oaks voted, 4 Ayes and 0 Nays to recommend to the City Council of River Oaks to:

✓ **APPROVE** the request of of **Erika Scalzo** detailing her plan for Heritage Park to be designated as a community garden with goals and objectives for citizens to plant and maintain.

- On this date, **February 4, 2021** the Parks Board of the City of River Oaks, met at 6:30 P.M. for a regular meeting in accordance to the Rules and Procedures. As a part of that Meeting the Parks Board requests and **recommends** to the Mayor and to the City Council the following:

The Parks Board of the City of River Oaks voted, 4 Ayes and 0 Nays to recommend to the Mayor with advice and consent of the City Council of River Oaks to:

✓ **APPROVE** the appointment of James Myrick as the Place 3 Regular Member to fill the vacated position of Jimmie Warriner who resigned on February 4, 2021.

APPROVED THIS THE 4th DAY OF FEBRUARY 2021 BY:

David Balland

**Chairman
Parks Board**