

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 25, 2021**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BEN GIBBS
EMERGENCY MGT JAMES MYRICK
EVENT CENTER DIRECTOR SHIRLEY WHEAT
EVENT CENTER DIRECTOR SHIRLEY BLOOMFIELD
FIRE CHIEF RUSSELL SHELLEY
BUILDING INSPECTOR STEVE SANDERS

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, May 25, 2021 at 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.

No one is in attendance to accept, so this item will be postponed.

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 MAY 11, 2021 REGULAR COUNCIL MEETING
- B. APPROVE MINUTES OF MAY 17, 2021 SPECIAL CALLED COUNCIL MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING MAY 25, 2021 (FY 2021)
- D. APPROVE AGREEMENT WITH IRON MOUNTAIN FOR SHREDDING SERVICES

Items #B & D are removed for further discussion.

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

CM Claridge-would like it noted in tonight's minutes that the city got under-bid on the John Knox Church property.

Item #A-correction under #12, correct Mayor's name.

Item #D-sent Iron Mountain the changes made by our attorney. Would like council to approve CM Gregory to sign the agreement once the changes are made.

CM Claridge moved, seconded by CM Chisholm to approve the Consent Agenda items A-D with the corrections noted above. All voted "Aye".

8. STATEMENT OF ELECTED OFFICIAL AND OATH OF OFFICE FOR STEVE HOLLAND, PLACE 2 CITY COUNCIL MEMBER.

CM Gregory gave the Statement of Elected Official and the Oath of Office to Stephen E. Holland, Council Member Place 2.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

9. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED REPLAT APPLICATION OF DUSTIN TEEMS AT 5415 DARTMOUTH AVENUE FOR 0.3305785 ACRES OF LAND IN THE CASTLEBERRY GARDENS ADDITION AND ONCE SUBDIVIDED TO BECOME TWO 90 X 80 FOOT "R-4" SINGLE-FAMILY RESIDENTIAL LOTS (ZONING CASE #PZ2021-0006).

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

Dustin Teems was present. A plat was presented to the council. This went before the Planning & Zoning Commission on May 17, 2021 which voted 5 to zero to recommend approval to the City Council. There were three responses which one was for and two were against. The set

back on Yale will be met.

At 7:22 p.m., Mayor Ashton closed the Public Hearing.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF SPECIAL PERMIT PURSUANT TO SECTION 11 "R-4" SINGLE-FAMILY DISTRICT IN 11.C "DEVELOPMENT REGULATIONS" #8 "DEPTH OF LOT" OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED OF THE PROPOSED REPLAT APPLICATION AS REQUESTED BY DUSTIN TEEMS AT 5415 DARTMOUTH AVENUE FOR 0.3305785 ACRES OF OLAND IN THE CASTLEBERRY GARDENS ADDITION AND ONCE SUBDIVIDED TO BECOME TWO 90 X 80 FOOT "R-4" SINGLE-FAMILY RESIDENTIAL LOTS (ZONING CASE #PZ2021-0006).

CM Holland moved, seconded by CM Claridge to approve the Special Permit at 5415 Dartmouth Avenue. All voted "Aye".

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

11. CONSIDER APPROVAL TO AWARD CONTRACT TO THE QUALIFIED BIDDER FOR THE STORM WATER PROJECT "INSPIRATION LANE PHASE 1: PAVING & DRAINAGE IMPROVEMENTS" FROM BIDS OPENED ON MAY 20, 2021 AT 2:00 P.M. (MJT #619-017).

Mickey Thomas was present. This was approved in the 2020-2021 Storm Water Budget and has been discussed at several meetings since then. This project includes upsizing a drainage pipe, outfall erosion device, curb-n-gutter, and replacement of asphalt pavement sections. This will address the drainage and pavement failures on the north 1/3 of Inspiration Lane. Bids were opened on May 20, 2021. Four bids were received with Reytech Services at \$193,780.98 being the lowest. The recommendation is to award the bid to Reytech Services. This project is important for access to the Water Treatment Plant and the dam area. The city's heavy equipment goes thru there to rebuild the road to the dam.

CM Holland moved, seconded by CM Chisholm to award the Inspiration Lane Phase 1 project to Reytech Services in the amount of \$193,780.98. All voted "Aye".

12. CONSIDER APPROVAL TO AMEND THE FEBRUARY 9, 2021 COUNCIL ORDER ON THE SUBSTANDARD PROPERTY AT 5901 BLACK OAK LANE.

30% of the inside of the house has been removed. The family is asking for an additional 89 days. The plans are to demolish the house later. BI Sanders recommends approving an additional 89 days with weekly checks and not to extend beyond that. Code Enforcement are working on the vehicles.

CM Chisholm moved, seconded by Mayor Pro Tem Houk to amend the February 9th, 2021 order to grant an 89-day extension and recommend not to extend beyond the 89-day extension. All voted "Aye".

13. DISCUSSION AND/OR ACTION ON THE PURCHASE OF A NEW FIRE ENGINE FROM METRO FIRE APPARATUS SPECIALISTS WITH LEASE PURCHASE FINANCING THROUGH GOVERNMENT CAPITAL IN THE AMOUNT OF \$705,000.00 AS ADOPTED BY RESOLUTION #1053-2021 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE ASSOCIATED DOCUMENTS.

This is part of the 5-year plan. There is a demo fire truck being sold for \$705,000.00 which is an approximate savings of \$76,000.00. This includes equipment and changes made inside the cab. This will be financed thru Government Capital and payments will start May 2022. This truck is 2' longer than the last truck we purchased. This will replace the 2005 engine we have, and we can trade it in to lower the cost. After this, a 10-year rotation will be in place.

CM Claridge moved, seconded by CM Rodriguez to approve the purchase of a new fire engine thru Government Capital.

14. DISCUSSION AND/OR ACTION CONSIDERING APPROVAL OF ROBERTS CUT OF ROAD STREET IMPROVEMENTS AS A PROJECT USING ANY REMAINING FUNDS IN THE 2006 TARRANT COUNTY TRANSPORTATION PROGRAM AND BY MEETING A 50% FUNDING MATCH.

Nicole Benoit with Tarrant County was present. The City received a request to participate in the 2021 Tarrant County Road Bond Program. The streets that need improvement are Roberts Cut Off from Skyline to north to city limit line, Roberts Cut Off from Ohio Garden to River Oaks Blvd., and Roberts Cut Off from River Oaks Blvd. to Blackstone. Roberts Cut Off from Ohio Garden to River Oaks Blvd. requires water main upgrades. The cost for both projects that do not require water main upgrades is \$906,561.23 with 50% matching funds of \$435,280.62. The project must be shovel ready meaning we are not waiting on improvements.

CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Project #1 & #2. All voted "Aye".

15. DISCUSSION AND/OR ACTION ON ADOPTING A RIVER OAKS EVENT CENTER OUTSIDE GROUNDS AND RESERVATION AGREEMENT.

Recently a lot of people have been wanting to use the outdoor space without renting the inside of the building which there is no charge for the outdoor space. Normally if someone rents the inside of the building, they also get the outside. The problem is if someone rents the inside of the building and does not want to use the outside, someone can use the outside and it could be a problem. Another issue could be if someone signs up to rent the outside at no costs first, then someone wants to rent the inside at a cost and wants the outside also. Mayor Ashton created a committee of CM Claridge and Mayor Pro Tem Houk to look at all of this and to bring back later.

16. DISCUSSION AND/OR ACTION REGARDING A COMMERCIAL MORATORIUM FOR THE COMMERCIAL ZONE ALONG RIVER OAKS BOULEVARD, AND A MEMORANDUM ON COMMERCIAL MORATORIA IN GENERAL.

This item will be discussed in Executive Session.

17. CONSIDER APPROVAL AUTHORIZING CITY STAFF TO AUCTION CITY ITEMS, EQUIPMENT, PROPERTY AND VEHICLES THAT HAVE BEEN REMOVED FROM THE CITY FLEET UNDER TX-VEMP GRANT PROGRAM.

Enclosed in your packet is a list of items that need to go to auction. The main items are 2 garbage trucks and 1 sweeper truck which will be sold with salvaged titles. The city did receive the grant funds for these trucks.

CM Holland moved, seconded by CM Claridge to authorizing the auctioning of items and vehicles. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. DISCUSSION AND/OR ACTION ADOPTING RESOLUTION #1052-2021 AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF RIVER OAKS, TEXAS AND ALL MATTERS RELATED TO A NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS SOLID WASTE GRANT APPLICATION FOR A SKID STEER LOADER AND TRAILER FOR THE CURBSIDE TREE LIMBS/BUSH PICKUP RECYCLING PROGRAM.

Staff is requesting the authorization to submit a grant application to NCTCOG to upgrade the 2000 Skid Steer Loader and trailer to a 2021 model. The loader and trailer are used for curbside pickup of tree limb/brush recycling. The grant is 100% reimbursable to the City. The total amount for the Skid Steer Loader and trailer is \$50,668.74. The 2000 Skid Loader will be kept as a backup.

CM Claridge moved, seconded by CM Chisholm to approve Resolution #1052-2021. All voted "Aye".

19. CONSIDER APPROVAL OF RESOLUTION #1054-2021 FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES.

CM Holland moved, seconded by Mayor Pro Tem Houk to approve Resolution #1054-2021. All voted "Aye".

STAFF REPORTS:

20. UPDATE ON SUBSTANDARD PROPERTIES AT:

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

Nothing new to report. No questions were asked.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

21. DISCUSSION AND/OR ACTION ON REQUEST BY ARNOLD PENT, RIVE ENTERPRISES, FOR THE SALE OF PROPERTY AT 1512 SHENNA.

This item will be discussed in Executive Session.

22. 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.

Boundary Adjustment-nothing new.

Personnel-4 openings in Public Works and 1 opening in Police Dispatch.

Street Improvements-improvements are being made to Ohio Garden, Merritt and Tulane. The streets around the Elementary School are almost complete.

Census 2020-will not be releases until about August 16, 2021.

Fireworks Show-June 26th behind Victory Church.

Code Red-currently in the registration process.

Run-off Election-early voting started Monday, May 24th in the Annex Building. Monday thru Thursday 8 am-5 pm, Friday and Saturday 7am-7 pm, Sunday 11 am-4 pm and will end on Tuesday June 1st from 7 am-7 pm. Polls are closed Monday for Memorial Day.

TX-VEMP Reimbursement-have received \$290,000 in reimbursements from the grant for the garbage trucks.

TIRZ Revenue-letters being sent to Tarrant County and Tarrant County College. Revenue contribution should be \$20,386.36 less delinquencies.

CM Holland-new street on Ohio Garden has divots. That is temporary.

Mayor Pro Tem Houk-street stripping on new streets? Must wait 30 days to cure the road then stripe but will put out dividers until then.

CM Claridge-drainage on Ohio Garden near the school worse now. Staff will investigate.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

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

24. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.
25. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.
26. **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
27. **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
28. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
29. **EVENT CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
30. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
31. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.
32. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
33. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

CORRESPONDENCE:

34. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-thanked staff for filling potholes.

CM Holland-were churches included in the ads for EDC? No but can reach out to them. Having issues getting a hold of Kayla at the publishing company. Event Center report the April 12 rental fee says no charge. They always put a deposit down. They have given the Event Center thousands of dollars of donated items.

EXECUTIVE SESSION:

35. 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 8:46 p.m., Mayor Ashton went into Executive Session for Item #16 under Section 551.071 and Item #21 under Section 551.071 & 551.072.

At 9:34 p.m., Mayor Ashton reconvened into Regular Session.

RECONVENE:

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

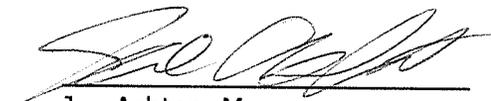
Item #21-**CM Holland moved, seconded by CM Claridge to reject the latest bid from Arnold Pent with Rive Enterprises and to authorize the City Manager to advertise 1512 Shenna for sale with no stated beginning bid amount. All voted "Aye".**

ADJOURN:

37. ADJOURN

At 9:35 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:


Joe Ashton, Mayor

ATTEST:


Paula Luck, City Secretary