

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
FEBRUARY 14, 2023**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
DEPUTY POLICE CHIEF ERIC PERKINS
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BRADLEY ANDERLE
FIRE CHIEF RUSSELL SHELLEY
EVENT CENTER DIRECTOR SHIRLEY BLOOMFIELD
EVENT CENTER DIRECTOR SHIRLEY WHEAT
PUBLIC WORKS SUPERINTENDENT JEREMY BELL
PUBLIC WORKS SECRETARY CASSIE DYER

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 6:00 p.m. on Tuesday, February 14, 2023 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

Randy Hooper led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR.

-PROCLAIMING JANUARY 18TH EVERY YEAR AS ANNE COZART DAY IN THE CITY OF RIVER OAKS

A lot of people knew Anne Cozart from the city and from CISD. Mayor Ashton told a story about Anne. Anne's daughter, Angie and Angie's husband were present. Mayor Ashton read the proclamation and presented Angie with a plat of Cozart Addition in the City of River Oaks. Angie thanked all and said that Anne loved River Oaks.

Deputy Police Chief Perkins introduced Officer David Friend and Intern Edmundo Martinez

5. FIRE DEPARTMENT PINNING CEREMONY FOR COBY COUNTRYMAN AND DAVID VINCENT

FC Shelley gave the Oath of Office to Coby Countryman and David Vincent and their family members pinned them. Coby's father pinned him, and David's fiancé pinned him.

Mayor Ashton announced that tomorrow will be the 24th anniversary of the Lake Worth fire that took the lives of Brian Collins, Phillip Dean and Gary Sanders.

6. 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

At 6:13 p.m., Mayor Ashton went into Executive Session under Sections 551.071 & 551.072 for Items #10 & 19.

At 6:45 p.m., Mayor Ashton reconvened into Regular Session.

Item #22 Executive Session Action for Agenda Item #10: **CM Holland moved, seconded by CM Rodriguez to approve the professional services agreement with Gravely P.C. and move to make the findings as follows: 1) There is a substantial need for the legal services provided by Gravely P.C., in the City of River Oaks water clarifier construction and design defect claims; 2) The legal services cannot be adequately performed by attorneys and supporting personnel of the City of River Oaks; 3) The legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because the City of River Oaks does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and 4) The relationship between the City of River Oaks or its governing body and the attorney or law firm being retained is not improper and would not appear improper for a reasonable person. All voted "Aye".**

7. **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 24, 2023 REGULAR CALLED COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING FEBRUARY 14, 2023 (FY 2023)

C. RATIFY APPROVAL OF AGREEMENT FOR FIREWORKS DISPLAY TO BE FUNDED BY E.D.C. FOR THIS YEAR'S ALL-AMERICAN FESTIVAL WITH PYRO SHOWS OF TEXAS.

D. APPROVE MODIFIED ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT TO REIMBURSE CONSTRUCTION PERMIT FEES NOT EXCEEDING \$4,000 REGARDING RENEWAL

OF EXPIRED PERMITS PURSUANT TO SECTION 105.5 "EXPIRATION" OF THE 2015 INTERNATIONAL BUILDING CODE AS ADOPTED FOR NEW CONSTRUCTION AND DEVELOPMENT IMPROVEMENTS TO THE PROPERTY IN BUILDING A NEW CONVENIENCE STORE AT 4710 RIVER OAKS BLVD BY JOLLY'S C STORE, LLC.

Mayor Ashton pulled #D from the Consent Agenda.

CM Claridge moved, seconded by CM Rodriguez to approve the Consent Agenda Items #A-C. All voted "Aye".

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

Item #D-EDC approved up to \$10,000.00 to be paid toward permits. So far, \$6,926.00 has been paid out. The fuel island needs to be permitted and the cost would be \$1,050.00. EDC approved last night to pay out not exceeding \$8,026.25 and to extend permits to August 15, 2023 and to waive the renewal fees. Mr. Walia was unable to get the materials in so that is why there is the delay. EDC feels they shouldn't have to pay again when they already paid once. The city requires everyone to renew their permits if the job is not complete and they have to pay for the renewals. Mr. Walia has been before the Planning & Zoning and Council on multiple occasions. Boards and Council need to work together and not against each other. EDC did buy the Baylor property, the Shenna property, and the Roberts Cut Off Strip. EDC has money because they have been very careful with their spending.

CM Holland moved, seconded by Mayor Pro Tem Chisholm to extend the permit due to situations beyond Mr. Walia's control and to adopt the modified performance agreement which includes the extension of the permit date and to pay out a maximum of \$8,026.25 (\$6,926.00 has already been paid to the General Fund & \$1,050.00 needs to be paid to the General Fund when the permit is pulled) and to waive all permit renewal fees. All voted "Aye".

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

9. DISCUSSION AND/OR ACTION ON REQUEST BY JESSE RODRIGUEZ TO SELL SECOND HAND USED MERCHANDISE AT KELLY'S RESALE BOUTIQUE LOCATED AT 1111 B ROBERTS CUT OFF ROAD NOT CURRENTLY PERMITTED IN THE ZONING ORDINANCE.

Jesse Rodriguez was present. Gave brief history of himself and his career. His wife and him want to open at 1111 A. Roberts Cut Off (old Maven's Moon space) a women's boutique store with some gently used items and new items. Was told when he came down to apply for the Certificate of Occupancy that there is an ordinance prohibiting the sale of used items. Ultimately this request would go before the Planning and Zoning but would like to get council's feel beforehand. Originally he thought there would be about 20-25% in resale items but now thinks it will be under the 10%. If it is under the 10%, that would be allowed. There are other businesses in River Oaks that have more than 10% of resale items and the city is sending them letters. No action taken tonight.

10. CONSIDER APPROVAL OF PROFESSIONAL SERVICES AGREEMENT ENGAGING OUTSIDE LEGAL COUNSEL ON PENDING LITIGATION REGARDING THE WATER CLARIFIER SYSTEM.

This item was discussed in Executive Session.

11. CONSIDER APPROVAL OF THE 2022 CITY OF RIVER OAKS POLICE DEPARTMENT RACIAL PROFILING REPORT.

Deputy Police Chief Perkins gave a summary of the report.

CM Holland moved, seconded by Mayor Pro Tem Chisholm to approve the 2022 racial profiling report. All voted "Aye".

12. DISCUSSION AND/OR ACTION ON APPROVING THE CONTRACT WITH ANDALE CONSTRUCTION ON APPLYING HAS HIGH DENSITY MINERAL BOND TO THE NEW ASPHALT PAYMENT ON ROBERTS CUT OFF ROAD, TULANE, MERRITT AND OHIO GARDEN RECENTLY COMPLETED UNDER THE STREET IMPROVEMENT PROJECT WITH TARRANT COUNTY.

Staff is requesting the following streets: Roberts Cut Off from Fritz Allen to Baylor, Tulane from Roberts Cut Off to Merritt, Merritt from Almena to Ohio Garden, Merritt from River Oaks Blvd to Barbara, and Ohio Garden from Roberts Cut off to River Oaks Blvd. The financial impact would be \$163,807.30 which will be paid out of the Construction Bond Account.

CM Holland moved, seconded by Mayor Pro Tem Chisholm to approve the contract with Andale Construction. All voted "Aye".

13. DISCUSSION AND/OR ACTION ON REQUEST FROM PWD GORDON SMITH TO REPAVE LONG AVENUE FROM THURSTON TO RIVER OAKS BLVD THAT IS INCLUDED IN THE CITY'S DRAINAGE STUDY FOR FUTURE DRAINAGE IMPROVEMENTS.

Mickey Thomas with MJ Thomas Engineering was present. The Long Street road project will be divided into two projects: Project 1-River Oaks Blvd to Thurston and Project 2-Thurston to Hwy 199. Option #1 for Project #1 is to repair additional damaged existing curb-n-gutter and plan for storm drain upgrades at a future date, Option #2 is delay and upgrade existing storm drain from River Oaks Blvd to Almena allowing for connection to future extension of the storm drain, and Option #3 is to delay and seek funding to install storm drain upgrades as outlined in the Master Drainage Plan. Option #1 for Project #2 is to continue as planned to start the curb-n-gutter repair then have Tarrant County reconstruct the street and Option #2 is to delay and plan both projects together.

May not put in the new drainage for 10 years. By the end of this year, all of Long and Barbara will be complete. Council agreed to improve what is existing. No motion taken.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF ORDINANCE #1369-2023 AMENDING THE 2022-2023 FISCAL YEAR E.D.C. BUDGET BY EXPANDING THE BUDGET FOR COMMUNITY CENTER IMPROVEMENTS (ACCOUNT #03-530-5601) QUALIFIED BY THE E.D.C. AS ACCEPTABLE EXPENDITURES OF 4B FUNDS.

EDC approved only reimbursing \$4,467.90 to cover the short fall of the event center employee. Mayor Ashton is disappointed by the lack of partnership with EDC. He was hired on as part-time and with several events in the fall, he was approved to work full-time during that time. The Shirley's said they will be ok with working with him as part-time. In the past, we hired someone full-time to work three days a week at the center and two days a week in Public Works. That did not work out. Rentals and rental inquiries are down from the past. It was suggested to do a survey of what people want in an Event Center.

CM Holland moved, seconded by Mayor Pro Tem Chisholm to approve Ordinance #1369-2023 in the amount of \$4,467.90. All voted "Aye".

15. CONSIDER APPROVAL OF RESOLUTION #1100-2023 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (E.D.C.) EXPENDITURES FROM THE 2022-2023 FISCAL YEAR BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00; AND PROVIDING AN EFFECTIVE. (FIRST READING)

This item is not needed. No action taken.

16. CONSIDER APPROVAL OF ORDINANCE #1370-2023 AMENDING ARTICLE 1.04 "BOARDS AND COMMISSIONS" DIVISION 3 "PARK BOARD" OF THE RIVER OAKS CODE OF ORDINANCES SPECIFICALLY, IN SECTION 1.04.063 "COMPENSATION; APPOINTMENT; QUALIFICATIONS; TERMS; VACANCY"; REMOVAL BY REVISING SECTION 1.04.063 (f) PROVIDING AN EXCEPTION TO MEMBERSHIP QUALIFICATIONS.

The ordinance states the applicant must be a resident of River Oaks. Some in the school district are interested in serving but don't reside in River Oaks. There are two vacancies as alternates in the Park Board.

CM Claridge moved, seconded by CM Rodriguez to approve Ordinance #1370-2023. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

17. DISCUSSION AND/OR ACTION REGARDING APPROVAL TO CONTINUE THE ONGOING CITY HALL ADMINISTRATION AND PUBLIC WORKS EMPLOYEE RECRUITMENT AND RETAINAGE EFFORTS REGARDING OPTION #2 COMPRESSED WORK SCHEDULE.

In the beginning, CM Gregory was against to the compressed work schedule but it is working and is for it. Employee turnover has decreased, and all positions are filled except for one. According to the surveys, most everyone likes the extra time in the morning and evening and are for the

schedule change. Morale has improved and the employees are more efficient. The new electronic payment system will be up and running in May 2023 and a lot of people are very interested.

CM Turner moved, seconded by CM Rodriguez to approve continuing with the current work schedule on a permanent basis. All voted "Aye".

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.

Election-Deadline to make application for place on the ballot is this Friday at 5:00 p.m.

Hazardous Waste Collection-after negotiations, the rate will not increase until October 2023.

Special Called Council Meeting this Friday at 6:00 p.m. to discuss in holding a Special Election in reappropriating EDC Sales Tax Funds.

19. DISCUSSION AND/OR ACTION ON REAL ESTATE PROPERTY VALUE INVOLVING INVESTMENT AND/OR SALE OF CITY OWNED PROPERTY AT 5550 BAYLOR AVENUE.

This item was discussed in Executive Session.

CORRESPONDENCE:

20. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Holland-Ribbon cutting March 11th for Elate Properties (housing development on Black Oak Lane)

CM Rodriguez-thanked all for praying for her dad and prayers on her shoulder surgery. A lot of residents are texting her about things happening and she will reach out to find the answers.

Citizen Larry Barutigan (749 Schilder)-thanked Public Works for the work they do and asked about the Atmos lines that are on Black Oak that are just sitting there.

Mayor Ashton-read letter from him regarding his feelings toward EDC and he wants to eliminate the Corporation and reallocate the sales tax funds to the General Fund. That is why a Special Called Council Meeting has been called for Friday evening.

EXECUTIVE SESSION:

21. 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.

This item was done after Item #6.

RECONVENE:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

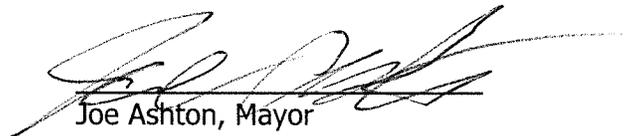
This item was done after Item #6.

ADJOURN:

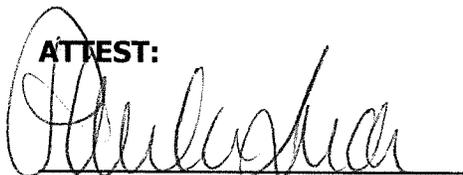
23. ADJOURN

At 8:50 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:


Joe Ashton, Mayor

ATTEST:


Paula Luck, City Secretary