

**MINUTES OF THE SPECIAL CALLED MEETING
RIVER OAKS CITY COUNCIL
AUGUST 3, 2021**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
CITY ATTORNEY BETSY ELAM
PUBLIC WORKS DIRECTOR GORDON SMITH
EMERGENCY MGT JAMES MYRICK

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Ashton called the Special Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, August 3, 2021 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Houk delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

Mayor Pro Tem Houk led the Pledges of Allegiance to the United States and the Texas Flags.

4. 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.

Daniel Bennett was present. Presented letter to council from Senator Jane Nelson to the Tarrant Appraisal District. This letter is regarding the TAD software audit. The letter has not been addressed by the Appraisal District.

ITEMS REQUIRING COUNCIL APPROVE/ACTION:

5. CONSIDER APPROVAL OF ORDINANCE #1320-2021 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFF'S THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED

SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES.

This was a posting error on the July 27, 2021 Council Agenda and the City Attorney has approved the ordinance.

CM Holland moved, seconded by CM Claridge to approve Ordinance #1320-2021. All voted "Aye".

6. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION FROM ELATE PROPERTIES TO REZONE APPROXIMATELY 3.9772 ACRES OF LAND IN THE SAINT ELIZABETH'S SUBDIVISION DESCRIBED AS BEING LOTS 23B, 24B & 25B OTHERWISE KNOWN AS 5910 BLACK OAK LANE IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-F" COMMUNITY FACILITY DISTRICT TO A "PD-R4" PLANNED DEVELOPMENT DISTRICT PURSUANT TO SECTION 11.C "DEVELOPMENT REGULATIONS" & SECTION 18 "PLANNED DEVELOPMENT DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED IN ORDER TO DEVELOP THE PROPERTY FOR SINGLE-FAMILY HOMES. (ZONING CASE #PZ 2021-0008 RZ).

At 7:11 p.m., Mayor Ashton opened the Public Hearing.

This was brought before Planning and Zoning on July 26th. Planning & Zoning denied the request. Since then, the developers have increased the lot sizes from 40' to 50' wide, decreased the number of lots from 24 lots to 20 lots, and moved the homes back 5' to allow for additional parking.

Heather Phelps and Juan Mancera, owners of Elate Properties were present. A power point presentation was presented to the Council and audience members. The adjacent zoning to this property is R-5 (manufactured homes-duplexes) and R-1 (10' side yard & 75' width of lot). These homes will have a living space between 2,300-2,600 square feet. These homes are built to sell, not to built for a buyer. CM Gregory wants a traffic plan on any new developments in the city. This is not a gated community and will have a cul-de-sac. These homes would start selling for \$397,000.00 and hopes to increase the sale prices for the rest of the homes after selling a few to \$425,000.00. The price per square foot is \$157.00. Would like to start moving dirt in November or December and the anticipated completion date is 33 months for the entire project. The two projects that Elate Properties have done is on the East Gate in Fort Worth and an area in White Settlement.

There were four people who responded to the letters sent by the city and these four were all against the development. At this time, citizens were able to speak:

JoAnn Butler, 601 Merritt-nice homes but main concern is traffic. Would like to see deeper driveways.

Nancy Telens, 801 Gustave-nice homes but traffic a concern.

Charles Jerden, 6040 Walnut-nice homes but traffic a concern, drainage is an issue (showed pictures from the last rainstorm), and narrow lots a concern. CM Gregory mentioned that a drainage study will have to be done.

Yvonne Shelnutt, 920 Gillham-nice homes, but congestion is a concern, drainage, and water pressure.

Shirley Wheat, 5400 Dartmouth-nice homes, but went to the East Gate project and noticed traffic is better than it was years ago. Homes have been cleaned up. The main concern is building nice homes and then the turn up looking junky.

Royce Shields, 709 Winters-nice homes, but the houses are still 10' apart.

James Myrick, 5825 Meandering-presented pictures to Council of some roads in Fort Worth that have a cut out in the road for parking. Wants the width of the road to increase.

At 8:40 p.m., Mayor Ashton closed the Public Hearing.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1321-2021 REZONING APPROXIMATELY 3.9772 ACERS OF LAND IN THE SAINT ELIZABETH'S SUBDIVISION DESCRIBED AS BEING LOTS 23B, 24B & 25B OTHERWISE KNOWN AS 5910 BLACK OAK LANE IN RIVER OAKS, TARRANT COUNTY, TEXAS FROM A "C-F" COMMUNITY FACILITY DISTRICT TO A "PD-RF" PLANNED DEVELOPMENT DISTRICT PURSUANT TO SECTION 11.C "DEVELOPMENT REGULATIONS" & SECTION 18 "PLANNED DEVELOPMENT DISTRICT" OF THE RIVER OAKS ZONING ORDINANCE #1286-2020 AS AMENDED IN ORDER TO DEVELOP THE PROPERTY FOR SINGLE-FAMILY HOMES. (ZONING CASE #PZ 2021-0008 RZ).

This will require four "ayes" to overturn the Planning & Zoning vote. City Attorney mentioned that the Council can propose conditions on the homes that will be attached to this Ordinance. The developers must know tonight because the 60-day due diligence period expires on August 4, 2021. The delay was due to fuel pipeline issues running thru the property.

CM Holland moved, seconded by CM Rodriguez to approve Ordinance #1321-2021 with the revised plan and all that was presented tonight and to include language in this Ordinance that is recommend by the City Attorney. CM Holland, CM Rodriguez, and CM Chisholm voted "Aye". CM Claridge and Mayor Pro Tem Houk voted "Nay". Motion failed because it takes four votes of "Aye" to overturn the Planning & Zoning recommendation.

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

8. DISCUSS 2021 TAX RATE, TAKE RECORD VOTE; (DESIGNATED OFFICER CALCULATES THE NO-NEW-REVENUE TAX RATE AND THE VOTER-APPROVAL TAX RATE OF THE TAXING UNIT; BY AUGUST 7 THE DESIGNATED OFFICER SHALL SUBMIT THE RATES TO THE GOVERNING BODY).

There have been software issues at the County, so we don't have final numbers signed yet by the Tax Assessor. The unused increment rate came into play this year. The proposed rate is 0.707687 per \$100.00.

The no-new-revenue tax rate from the 2021 tax rate worksheet is \$0.650290/\$100 (which would provide approximately the same amount of revenue as last year at a tax rate of \$0.697374/\$100), and the voter-approval rate is \$0.681021/\$100 (which is the maximum rate allowed by law without being subject to a mandatory election). With the unused Increment Voter Approval Tax Rate, which is the unused amount from the previous tax years where the city adopted a tax rate lower than the Voter Approval Rate (Rollback Rate) is \$0.707687/\$100 (allowed by statute). If the city approves this year's unused incremental Voter-Approval tax rate of \$0.707687, which is the highest tax rate we can adopt without mandating an election, the projected revenues at a 100% collection rate would be \$2,393,557 + tax ceiling revenue of \$397,087 for a total revenue projection of \$2,790,644. The average homestead taxable values increased from \$122,185 in 2020 to \$134,525 in 2021 which is an increase of 10%.

CM Claridge moved, seconded by CM Chisholm to hold a Public Hearing on August 31, 2021 and to accept the submission of the certified tax roll from the City Secretary and to authorize the City Secretary to post public notice proposing an unused Increment Voter Approval Tax Rate of \$0.707687/\$100. All voted "Aye".

CORRESPONDENCE:

9. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Claridge-citizen complaint about what the city uses as a newspaper to post publications. Same citizen complaint about the recording of the meetings not being posted on our website. CM Gregory-the DVR was hit by lightening and was just replaced.

CM Holland-asked CA Elam about if a vote is failed, can it be brought back up later in a meeting to reconsider the motion. CA Elam-this is usually raised by the one who voted "Nay". But because it is a zoning issue, can not do this in the same meeting after the Public Hearing was closed and after a vote was taken. Will have to republish on another agenda.

Mayor Ashton-appreciates everyone's respect.

NONE

EXECUTIVE SESSION:

10. 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:

11 CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


NONE

ADJOURN:

12. ADJOURN

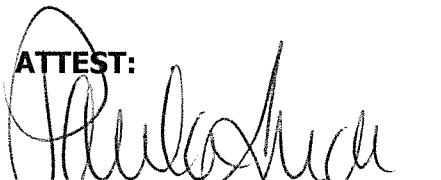
At 9:27 p.m., Mayor Joe Ashton adjourned the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor

ATTEST:



Paula Luck, City Secretary