

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 28, 2021**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY MANAGER MARVIN GREGORY  
CITY SECRETARY PAULA LUCK  
CITY ATTORNEY BEN GIBBS  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHRIS SPIELDENNER  
EMERGENCY MGT JAMES MYRICK  
FIRE CHIEF RUSSELL SHELLEY

**ABSENT:**

COUNCIL MEMBER YOLIE RODRIGUEZ

**WORK SESSION – 6:00 P.M.**

**I. AMERICAN RESCUE PLAN ACT OF 2021: FUNDING FLEXIBILITY TO MEET LOCAL NEEDS INCLUDING SUPPORT FOR HOUSEHOLDS, SMALL BUSINESSES, ESSENTIAL WORKERS AND COMMUNITIES HARDEST HIT BY THE PANDEMIC.**

JNJ Heating and Air was present. The duct cleaning includes a fogger treatment to sanitize and goes from the grill to the duct system. The air purification is an electronic UV light that kills bacteria and germs in the air and is 99.9 % effective against the COVID-19. There is a one-year warranty thru JNJ and a three-year manufacture warranty. This goes inside the system and will not be seen. We have cleaned the ducts at the Event Center and spent \$3,200.00. Staff is requesting at least the duct cleaning be done on the City Complex building.

Recipients may use the funds to aid households such as rent, mortgage, or utility assistance.

Recipients may provide premium pay to first responders (Fire & Police).

Recipients may use funds for revenue loss. In the General Fund, there were special events cancelled, garage sale permits cancelled, permit fees reduced, and community center rentals cancelled. In the Water Fund, late charges were waived.

Recipients may use to make necessary investments in water, sewer and broadband. We have already started addressing the broadband.

**II. CERTIFICATE OF OBLIGATION BONDING 2021: DISCUSSION AND PLANNING FOR CONSTRUCTING AND IMPROVING STREETS, ROADS, ALLEYS AND SIDEWALKS AND/OR CITY BUILDING FACILITY IMPROVEMENTS.**

FC Shelley-now that we have a full-time fire department, the needs have changed. We only have one bathroom with a 30-gallon water heater that can only accommodate two showers. The fire station bays does have a diesel exhaust removal system. We need medical supply storage. The bay heaters are very old, and we are having issues with them. The bunker gear is being stored where the diesel exhaust is. The total requesting is approximately \$575,000.00.

CM Gregory-Tarrant County said we are on the list for some residential streets and will know more in November 2021.

PWD Smith-recommends waiting on the streets until we know more on the bond project and then will get a list of streets together. Requesting the replacement of the roof, rehab the garage restroom and rehab the break room.

III. ACTION, IF ANY, FROM WORK SESSION.

**NONE**

IV. ADJOURN FROM WORK SESSION.

At 6:56 p.m., Mayor Ashton adjourned the Work Session.

**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 7:02 p.m. on Tuesday, September 28, 2021 at 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.

Mayor Ashton asked everyone to remember the sick staff members in City Hall and the Bloomfield family in the loss of David Bloomfield.

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 SEPTEMBER 14, 2021 REGULAR CALLED COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 28, 2021 (FY 2021)
- C. APPROVE CHANGE ORDER WITH ANDALE FOR ASSET ROAD PRESERVATION

CM Gregory wanted Item #C pulled from the Consent Agenda.

**CM Claridge moved, seconded by CM Chisholm to approve the Consent Agenda items A-B. All voted "Aye".**

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

#C-need to present this to the school first. Andale was ready to start but there is too much impact on the school. Would like to reschedule some of the project and do some on Saturday's. This will require a change order with additional costs for Roberts Cut Off in the amount of \$6,750.00 additional work for working on Saturday's. Their equipment is broken down and there is high rain changes this week. Otherwise, they will hold off until April or May 2022. The outside temperature must be a certain temperature to lay the product. No action taken.

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

8. DISCUSSION AND/OR ACTION ON REQUEST BY ELATE FUND I LLC TO ENTER INTO A CHAPTER 280 ECONOMIC DEVELOPMENT AGREEMENT WAIVING PERMIT & DEVELOPMENT FEES FOR THE PROPOSED HOUSING SUBDIVISION AT 5910 BLACK OAK LANE.

Juan Mancera & Heather Phelps were present. The request is to waive the building permit & plan checking fees (\$34,160.00), miscellaneous other construction fees (\$6,850.00), and development fees (\$8,106.73) which totals to \$49,116.73. Broken down by house is \$2,455.84. The costs that will not be waived are: third party engineering review fees/costs, third party inspections/inspector service fees/costs, meter box/water meter/water meter set fees, impact fees/costs owed to the City of Fort Worth, and vertical/building construction: mechanical, electrical, and plumbing permits which will be paid by the subcontractor. The projected annual tax revenue to the city \$60,000 (annual taxes in the 2,300 square foot homes) and \$65,000 (annual taxes in the 2,500 square foot homes). During the construction, the net gain should be about \$10,000 to \$15,000 in annual tax gain. Upon project completion, the net gain should be about \$60,000 to \$65,000.

**Mayor Pro Tem Houk moved, seconded by CM Claridge to approve waving the permit fees and development fees requested for two years starting from approval of the development and construction plans. All voted "Aye".**

9. CONSIDER APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF RIVER OAKS AND CASTLEBERRY INDEPENDENT SCHOOL DISTRICT FOR THE PAVEMENT RESTORATION OF THE STREETS AROUND CASTLEBERRY ELEMENTARY AND ON BLACKSTONE DRIVE.

This was discussed earlier in the Consent Agenda Item #C. The maximum the school will pay is \$11,000.

**CM Holland moved, seconded by CM Claridge to approve the interlocal agreement with CISD. All voted "Aye".**

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

10. CONSIDER APPROVAL OF RESOLUTION #1062-2021 PROVIDING FOR THE INCORPORATION OF ARTICLE XIX "MENTAL HEALTH LEAVE POLICY" AND ARTICLE XX "PAID QUARANTINE LEAVE POLICY" INTO THE RIVER OAKS EMPLOYEE POLICY MANUAL.

The mental health leave is set by statute. The paid quarantine leave is for first responders only. The recommendation is to extend the paid quarantine leave to all city employees if council approves. Currently there is no policy in place for paid quarantine leave and for an employee who refuses to test. Council agrees that if CM Gregory orders an employee to get tested and they refuse, it is considered insubordination.

**CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Resolution #1062-2021 to extend the paid quarantine leave to all city employees. All voted "Aye".**

11. CONSIDER APPROVAL OF RESOLUTION #1063-2021 ADOPTING THE OFFICIAL INVESTMENT STRATEGY AND INVESTMENT POLICY IN ACCORDANCE WITH PUBLIC FUNDS INVESTMENT ACT (CHAPTER 2256 OF THE TEXAS GOVERNMENT CODE) OF THE CITY OF RIVER OAKS; UPDATING THE INVESTMENT POLICY IN ACCORDANCE TO THE PUBLIC FUNDS INVESTMENT ACT.

The only thing that was changed was keeping 90 days of reserves for water and sewer and keeping 90 days for reserves for general fund.

**CM Chisholm moved, seconded by CM Claridge to approve Resolution #1063-2021. All voted "Aye".**

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

12. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENTS ON THE PROPOSED EXTENSION OF THE MORATORIUM FOR THE ISSUANCE OR RENEWAL OF PERMITS FOR NEW CONSTRUCTION OR REMODELING OF CERTAIN COMMERCIAL DEVELOPMENT WITHIN THE COMMERCIAL ZONE ABUTTING RIVER OAKS BLVD.

At 7:59 p.m., Mayor Ashton opened the Public Hearing.

This extends the moratorium to the maximum days which is an additional 90-days.

At 8:00 p.m., Mayor Ashton closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1327-2021 EXTENDING THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE ISSUANCE OR RENEWAL OF PERMITS FOR NEW CONSTRUCTION OR REMODELING OF CERTAIN COMMERCIAL DEVELOPMENT IN THE CITY AS PREVIOUSLY ADOPTED BY ORDINANCE #1313-2021.

**Mayor Pro Tem Houk moved, seconded by CM Claridge to approve Ordinance #1327-2021. All voted "Aye".**

**STAFF REPORTS:**

14. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 5901 BLACK OAK LANE-building demolished, some trash and vehicle on lot.
- 5962 BLACK OAK LANE-new owner, under construction.
- 5958 BLACK OAK LANE-under construction.
- 636 SCHIEME-burnt home.
- 5416 PURDUE-c/o complete.
- 1513 SKYLINE-some work but not much.

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

15. DISCUSSION AND/OR ACTION ON APPROVING A POLICY TO REQUIRE SCREENING, TESTING AND RETURN TO WORK GUIDELINES WHEN THERE IS A HIGH NUMBER OF POSITIVE COVID-19 CASES IN THE WORKPLACE.

Because of the high number of cases in City Hall recently, our staff was limited to 3 clerks in the building. Attorney has advised us that we can require screening tests which is required temperature checks at least daily and will require and pay for COVID-19 testing if an employee is a suspected patient, when an employee is an exposed employee, or when an employee works in a city building or work site where 50% or more of the employees are suspected or exposed patients. This policy sets guidelines for returning to work that has not been clear in the past.

This item has been tabled to the next meeting.

16. 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.

Roberts Cut Off Road Construction-discussed earlier.

HA5 Road Preservation-discussed earlier.

Tower Lease-waiting on finalization.

RFP for CDBG-CV Available Funding-staff is going to submit a request to replace the existing HVAC system to improve the air quality in the city hall complex.

Homecoming Parade Route Changed-the route has been changed because of the road construction on Roberts Cut Off Road.

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

17. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.
18. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.
19. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.
20. **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
21. **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
22. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD
23. **EVENT CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES
24. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX
25. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES AND UPCOMING PROJECTS.
26. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION
27. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

**CORRESPONDENCE:**

28. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

**NONE**

**EXECUTIVE SESSION:**

29. 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.

**NONE**

**RECONVENE:**

30. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


**NONE**

**ADJOURN:**

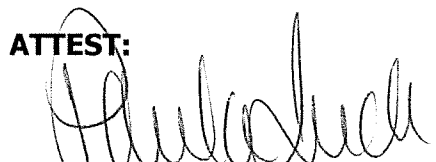
31. ADJOURN

**At 8:30 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".**

**APPROVED:**

  
Joe Ashton, Mayor

**ATTEST:**

  
Paula Luck, City Secretary