

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 27, 2018**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM STEVE HOLLAND
COUNCIL MEMBER JOE ASHTON
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER JOANN BUTLER

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
POLICE CHIEF CHRIS SPIELDENNER
BUILDING INSPECTOR STEVE SANDERS
EMERGENCY MGT JAMES MYRICK
CITY ATTORNEY BETSY ELAM
FIRE CHIEF GREG STOCKTON
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT

ABSENT:

COUNCIL MEMBER BRUCE SCOTT-EXCUSED

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, November 27, 2018 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Holland delivered the Invocation.

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

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

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

CS Gregory gave the Statement of Appointed Official and Oath of Office to Greg Stockton as Fire Chief.

5. **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 NOVEMBER 13, 2018 REGULAR COUNCIL MEETING
- B. APPROVE MINUTES OF NOVEMBER 15, 2018 SPECIAL CALLED MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 27, 2018 (FY 2019)
- D. APPROVE STORM WATER FUND 4TH QUARTER FY 2018 REPORT (JULY 1-SEPT 30, 2018)
- E. APPROVE DELINQUENT TAX COLLECTION REPORT FROM LINEBARGER FOR PERIOD JULY-SEPTEMBER 2018

CM Ashton moved, seconded by CM Chisholm to approve the Consent Agenda items A-E. All voted "Aye".

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER REQUEST OF ROMAN OBIEDO JR. TO REIMBURSE HIM FOR THE DELINQUENT CHARGES ON THE WATER ACCOUNT FOR UNFORGIVEN TATTOO AT 5165 RIVER OAKS BLVD THAT HAD TO BE PAID BEFORE SERVICE COULD BE CONNECTED.

Roman Obiedo Jr was not present; therefore, this item will be bypassed to see if he shows.

8. CONSIDER REQUEST TO REIMBURSE RENTAL CHARGES FOR MPS SHARING AND CARING BENEFIT HELD ON NOVEMBER 17TH AND TO WAIVE FUTURE RENTAL FEES FOR HOLDING THE MPS BENEFIT IN COMMUNITY CENTER.

Mayor wanted this item on the agenda. Mayor Pro Tem Holland did not request this. The benefit held on November 17th was very successful and raised approximately \$22,000. The thought of waiving future rental fees is appreciated but request no action be taken.

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

9. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5444 RIVER OAKS BLVD AS REQUESTED BY CHINA EXPRESS FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2018-0003).

No one was present; therefore, this item will be bypassed to see if a representative shows up.

10. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF REQUEST OF CHINA EXPRESS REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5444 RIVER OAKS BLVD AS REQUESTED BY CHINA EXPRESS FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2018-0003).

This item will be bypassed to see if a representative shows up.

11. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY AMENDING CHAPTER 10 "SUBDIVISIONS" IN ORDER TO ADOPT AN UPDATED SUBDIVISION ORDINANCE AND REPEALING THE FORMER SECTIONS OF CHAPTER 10 IN CONFLICT THEREOF. (ZONING CASE #2018-0004).

At 7:11 pm, Mayor Earwood opened the Public Hearing.

CS Gregory has met with the city attorney on several occasions, met with the Public Works Director, had a few workshops with the Planning and Zoning Commission, and Paul Paine has reviewed this Ordinance also.

At 7:18 pm, Mayor Earwood closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE #1209-2018 TO AMEND CHAPTER 10 "SUBDIVISIONS" IN ORDER TO ADOPT AN UPDATED SUBDIVISION ORDINANCE AND REPEALING THE FORMER SECTIONS OF CHAPTER 10 IN CONFLICT THEREOF. (ZONING CASE #2018-0004).

CM Chisholm moved, seconded by CM Butler to approve Ordinance #1209-2018. All voted "Aye".

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

13. CONSIDER APPROVAL OF RESOLUTION #949-2018 PURSUANT TO SECTION 19E "OUTSIDE SPECIAL EVENTS PERMITTING" OF THE CITY'S COMPREHENSIVE ZONING ORDINANCE AUTHORIZING AN OUTSIDE SPECIAL EVENT (CHRISTMAS FESTIVAL) TO BE PERMITTED ON THE COMMUNITY CENTER PROPERTY AT 5300 BLACKSTONE DR. FOR THE CITY'S ANNUAL CHRISTMAS EVENT THAT INCLUDES THE CHRISTMAS TREE LIGHTING AND ARRIVAL OF SANTA CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

CM Ashton moved, seconded by CM Chisholm to approve Resolution #949-2018. All voted "Aye".

14. CONSIDER APPROVAL OF ORDINANCE #1210-2018 AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY AMENDING ARTICLE 3.12 "SIGNS" REPEALING 3.12.038(5) "PORTABLE SIGN", SECTION 3.12.038(6) "TEMPORARY BANNERS" AND SECTION 3.12.038(7) "TEMPORARY PLACARD SIGNS" AS BEING TEMPORARY SIGNS EXEMPT FROM PERMITTING; REVISING AND INCORPORATING PORTABLE SIGNAGE AND TEMPORARY PLACARD SIGNS INTO SECTION 3.12.037 "TEMPORARY SIGNS REQUIRING PERMIT" AS SECTION 3.12.037(5) "PORTABLE SIGN" AND SECTION 3.12.037(6) "TEMPORARY PLACARD SIGNS".

There have been numerous complaints regarding temporary signage along and in front of businesses. Right now a permit is not required for temporary signage unless it is portable signage which has to be registered. This Ordinance has placard signage and portable signs be permitted to allow 30 days up with twice a calendar year and the sign has to be set back enough where it doesn't impede traffic. Materials have to be durable that is pre-made, man-made or natural that is aesthetically pleasing.

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

PWD Smith-the Truman project is moving forward. Briefly discussed the chain link fences along Truman that are owned by residents.

Today was the bid opening for the water project. Six bids were received. At a Special Council Meeting on December 4, 2018, a bid will be awarded. Approximate start date is the end of January 2019.

Phase two on the sewer project-should be hearing something soon.

22. PARK BOARD ACTIVITY REPORT INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

23. COMMUNITY 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

ITEM #9. Mayor Earwood opened the Public Hearing at 8:02 pm and will remain open until December 11, 2018 at 7:00 pm.

ITEM #7. No action taken.

PUBLIC FORUM:

28. CITY COUNCIL INVITES CITIZENS TO SPEAK ON ANY TOPIC; 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 THE ISSUE. NO COUNCIL DELIBERATION IS PERMITTED

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 compliant 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

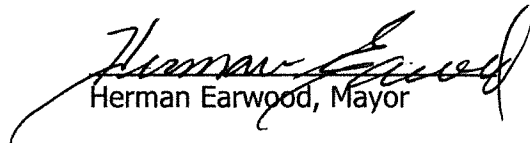
NONE

ADJOURN:


31. ADJOURN

At 8:08 p.m. CM Ashton moved, seconded by CM Chisholm, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:



Marvin Gregory, City Secretary