

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 12, 2019**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Herman Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, March 12, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CA Ashton delivered the Invocation.

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

CA Ashton led the Pledges of Allegiance to the United States and the Texas Flags.

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

NONE

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 FEBRUARY 26, 2019 REGULAR CALLED MEETING

B. APPROVE MINUTES FROM THE MARCH 5, 2019 TOWN HALL MEETING

C. APPROVE BILLS PAYABLE FOR PERIOD ENDING MARCH 12, 2019 (FY 2019)

CM Ashton moved, seconded by CM Butler to approve the Consent Agenda Items #A-C with corrections in the February 26, 2019 Minutes in the motion under Item #13 and a spelling correction under Item #19. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. DISCUSSION AND/OR ACTION ON APPLYING HA 5 HIGH DENSITY MINERAL BOND TO ROBERTS CUT OFF ROAD.

Ken Nobis was present. This product extends the life of asphalt pavement. Mr. Nobis presented a slide show of the product. The cost of this product is \$3.75 per square yard. For the road project that was just completed on Roberts Cut Off, the cost would be \$33,333.75. This product is recommended on new asphalt surfaces within two years old. When using this product, the roads will last 10 years. Without this product after two years, crack sealing is done and after seven years, the road has to be re-asphalted. There is a five year warranty on this product. Other products like seal coating does not provide a warranty.

No action taken tonight. PWD Smith was asked to come back with hard costs and to look at doing a test section in May.

8. CONSIDER APPROVAL OF THE 2017-2018 FISCAL YEAR AUDIT REPORT AS PRESENTED BY WILLIAM SPORE, CPA AND APPROVAL OF ENGAGEMENT LETTER FROM WILLIAM C. SPORE, P.C. FOR THE ANNUAL AUDIT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019.

William Spore presented the 2017-2018 Fiscal Year Audit and presented an engagement letter for the 2018-2019 Fiscal Year Audits.

Mayor Pro Tem Holland moved, seconded by CM Ashton to approve the 2017-2018 Fiscal Year Audit and to approve the engagement letter for the 2018-2019 Fiscal Year Audits. All voted "Aye".

9. CONSIDER APPROVAL OF TRAFFIC PATTERN CHANGE AT THE INTERSECTION OF MERRITT AND RIVER OAKS BLVD. AS PRESENTED BY POLICE CHIEF CHRISTOPHER SPIELDENNER.

This was initiated because of the construction on Roberts Cut Off caused traffic issues at the intersections of Merritt & River Oaks Blvd. Currently if you are in the right hand lane on Merritt, that lane goes straight and also turns right. The left lane is a left hand turn only lane. The way it should be to help with traffic congestion is the left lane is a turn lane and a go straight lane. The right lane needs to be right hand turn only lane. Need to see how the traffic lights are showing. If the traffic lights have arrow signs in the left lane, will need to contact TXDOT to get this changed.

CM Ashton moved, seconded by CM Butler to change the traffic pattern change at the intersection of Merritt and River Oaks Blvd. and authorize interaction with TXDOT. All voted "Aye".

10. DISCUSSION AND/OR ACTION ON CITY OF FORT WORTH TAKING THE LEAD ON RIGHT-OF-WAY ACQUISITIONS IN THE EVENT IT BECOMES NECESSARY AND PENDING DESIGN WAIVER APPROVAL BY TXDOT ON MEANDERING ROAD PROJECT.

A lot has to take place before we get to this point. Fort Worth can take the lead or River Oaks can do it ourselves. If Fort Worth takes the lead, an interlocal agreement will be signed.

CM Ashton moved, seconded by CM Chisholm to conceptually authorize City of Fort Worth to take the lead on the right-of-way acquisitions not including any eminent domain authority as well as pending design waiver approval by TXDOT on the Meandering Road project. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

At 8:51 pm, Mayor Earwood called for a ten minute break and Mayor Earwood excused himself for the rest of the meeting.

At 9:02 pm, Mayor Pro Tem Holland re-convened back into open session.

11. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD. AS REQUESTED BY MANINDRA SHRESTHA FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) 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 2019-0001).

At 9:03 pm, Mayor Pro Tem Holland opened the Public Hearing.

The licensing agent for the purchaser was present. The Specific Use Permits are non-transferrable when there is an ownership change. When an ownership changes, the new owner has to go thru the Specific Use Permit process. Planning and Zoning has approved this permit at a 5-0 vote. This permit is the same as before, an off premise beer and wine only. The current license expires next month; therefore, this location will have to stop selling beer and wine until TABC issues a new permit under the new owner (if council approves).

At 9:09 pm, Mayor Pro Tem Holland closed the Public Hearing.

12. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION FOR A SPECIFIC USE PERMIT AT 5001 RIVER OAKS BLVD. AS REQUESTED BY MANINDRA SHRESTHA FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION (CONVENIENCE STORE) PURSUANT TO ZONING ORDINANCE #115-2017 AS ADOPTED AND AS AMENDED. (ZONING CASE #SUP 2019-0001).

CM Ashton moved, seconded by CM Chisholm to approve the application for a Specific Use Permit at 5001 River Oaks Blvd for off premise consumption of alcoholic beverages (beer & wine). All voted "Aye".

13. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE SIGN VARIANCE APPLICATION SUBMITTED BY KRIS FRANKS REQUESTING A VARIANCE FROM ARTICLE 3.12 "SIGNS", SECTION 3.12.083 "ATTACHED SIGN" (b) "GENERAL" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED IN ORDER TO INSTALL A 32 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN (ROOF MOUNTED) ON THE PROPERTY AT 5404-5412 RIVER OAKS BLVD. THAT IF BUILT WOULD BE IN VIOLATION OF SECTION 3.12.083 (g) "ROOF SIGN LIMITATIONS" IN THAT AN ATTACHED SIGN SHALL NOT EXCEED A HEIGHT OF 48 INCHES ABOVE THE ROOFLINE OR TOP OF THE PARAPET WALL AT THE ROOF OF ANY BUILDING. (VA 312-2019-01).

At 9:11 pm, Mayor Pro Tem Holland opened the Public Hearing.

Kris Franks was present. The requested sign is 48" x 96" and 146" wide with a 38" x 88" viewing area. This is a one sided sign with the side facing Chicken Express being the viewing side. The City will need proof from an engineer showing the building meets the load for this sign. Because of Mr. Franks re-thinking the size of the sign, Mr. Franks has requested this Public Hearing be held open until the March 26th, 2019 Council Meeting at 7:00 pm.

Mayor Pro Tem Holland announced this Public Hearing will remain open until the March 26th, 2019 Council Meeting.

14. ACTION FROM PUBLIC HEARING: IN ORDER TO CONSIDER APPROVAL ON THE SIGN VARIANCE APPLICATION SUBMITTED BY KRIS FRANKS REQUESTING A VARIANCE FROM ARTICLE 3.12 "SIGNS", SECTION 3.12.083 "ATTACHED SIGN" (b) "GENERAL" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED IN ORDER TO INSTALL A 32 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN (ROOF MOUNTED) ON THE PROPERTY AT 5404-5412 RIVER OAKS BLVD. THAT IF BUILT WOULD BE IN VIOLATION OF SECTION 3.12.083 (g) "ROOF SIGN LIMITATIONS" IN THAT AN ATTACHED SIGN SHALL NOT EXCEED A HEIGHT OF 48 INCHES ABOVE THE ROOFLINE OR TOP OF THE PARAPET WALL AT THE ROOF OF ANY BUILDING. (VA 312-2019-01).

No action taken.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1223-2019 AMENDING CHAPTER 2, "ANIMAL CONTROL", OF THE RIVER OAKS CODE OF ORDINANCES (2006), AS AMENDED; AMENDING THE REGULATION OF THE FEEDING OF STRAY OR FERAL ANIMALS.

This Ordinance cleans up the current Ordinance of not allowing the feeding stray or feral animals.

CM Butler moved, seconded by CM Houk to approve Ordinance #1223-2019. All voted "Aye".

PUBLIC FORUM:

16. 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**

CM Chisholm-meeting of revisiting the River Oaks Area Business Association is this Thursday at 6:30 pm at the Lions Club.

CM Ashton-Jim Ryan (husband of former City Administrator Linda Ryan) had a serious heart episode in Florida about three weeks ago but is now home and recovering.

CS Gregory-Joint School Board and City Council Meeting March 18th, 2019 at 5:30 pm at CISD. Strategic Planning Workshop jointly with EDC, City Council and Planning & Zoning March 23rd, 2019 at 8 am at the Event Center.

EXECUTIVE SESSION:

17. 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 compliant or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

NONE

RECONVENE:

18. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

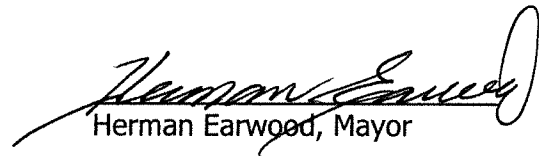
NONE

ADJOURN:

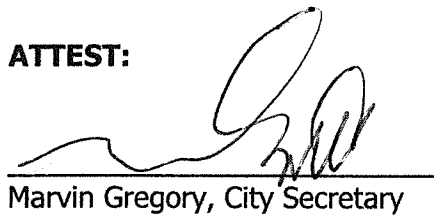
19. ADJOURN

**At 9:38 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