

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 10, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

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 7:02 p.m. on Tuesday, July 10, 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

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 JUNE 26, 2018 REGULAR COUNCIL MEETING
- B. APPROVE MINUTES OF JULY 3, 2018 TOWN HALL MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING JULY 9, 2018 (FY 2018)
- D. APPROVE RECOMMENDATION FROM PARKS BOARD TO APPOINT ROBERT JAMISON AS ALTERNATE MEMBER #2.
- E. APPROVE RESIGNATION OF PUBLIC WORKS EMPLOYEE, SAMUEL FORD.

- F. APPROVE CONSULTANT AGREEMENT WITH PAUL PAINE AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT CORPORATION.

CM Ashton moved, seconded by CM Butler to approve the Consent Agenda Items #A-F. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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 AMENDING THE JUNE 12, 2018 SUBSTANDARD BOARD ORDER ALLOWING 30-DAYS FOR THE RECORD OWNER TO BRING REAR ACCESSORY STRUCTURE AT 621 OAKLAWN INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE.

Owner was not present. No work has been done on the accessory building and the time expires July 12, 2018. Demolition order still stands and CS Gregory will notify the owner.

8. CONSIDER APPROVAL OF AGREEMENT WITH PHILLIPS HEALTHCARE AS PRESENTED BY FIRE CHIEF BROWN.

This is a 4 ½ year agreement on the Cardiac Monitor which will cover parts & service. The cost is \$784.35 annually.

CM Ashton moved, seconded by CM Chisholm to approve the agreement with Phillips Healthcare. All voted "Aye".

9. DISCUSSION AND/OR ACTION ON REQUEST FROM ANDREW AND LISA FULD AT 1844 INSPIRATION LANE ABOUT PURCHASING 0.24 ACRES OF CITY OWNED LAND IN ORDER TO MAINTAIN THEIR PROPERTY'S NATURAL HABITAT.

Owner was unable to attend. This was presented to council in January 2018. The amenities that are on the 0.24 acres consist of a stone patio and fireplace which was built by the previous owner. This is not a buildable lot; therefore, the city will not have to go out for bids to sell this property. But will need to be appraised and sold at fair market value. The owner will have to re-plat and have a survey.

CM Ashton moved, seconded by CM Chisholm to direct city staff to proceed with an appraisal on the .24 acres of city owned land, the city will maintain the mineral rights, and the owners will incur all associated costs. All voted "Aye".

PUBLIC HEARINGS; ACTION FROM PUBLIC HEARINGS:

10. PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON THE REPLAT APPLICATION SUBMITTED BY AZA FAMILY, INC REQUESTING TO RE-PLAT 2.248 ACRES OF PROPERTY INTO TWO COMMERCIAL LOTS IN ACCORDANCE TO THE DEVELOPMENT REQUIREMENTS IN A C-2 COMMERCIAL ZONING DISTRICT PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (PZ 2018-0002R)

At 7:21 pm, Mayor Earwood opened the Public Hearing.

Rodney Martinez with Survey Group was present. Both lots meet the width requirements. Lot 1 will be 4913 Ohio Garden, Lot 2 will be 4915 Ohio Garden, and the third lot will be 5059 River Oaks Blvd.

At 7:26 pm, Mayor Earwood closed the Public Hearing.

11. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE REPLAT APPLICATION SUBMITTED BY AZA FAMILY, INC REQUESTING TO RE-PLAT 2.248 ACRES OF PROPERTY INTO TWO COMMERCIAL LOTS IN ACCORDANCE TO THE DEVELOPMENT REQUIREMENTS IN A C-2 COMMERCIAL ZONING DISTRICT PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (PZ 2018-0002R)

CM Chisholm moved, seconded by CM Ashton to approve the re-plat. All voted "Aye".

12. PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON THE APPLICATION SUBMITTED BY ZAIDEE SILWAD, INC, APPLICANT (AZA FAMILY, INC, APPLICANT (AZA FAMILY, INC, RECORD OWNER) REQUESTING A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) AT 4913 OHIO GARDEN ROAD IN ACCORDANCE TO SECTION 23A.G.3.I FOR ON PREMISE CONSUMPTION (RESTAURANT), PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (SUP 2018-0002)

At 7:28 pm, Mayor Earwood opened the Public Hearing.

This is a Specific Use Permit request for the sale of alcoholic beverages (beer & wine). A patio area will be added on in front with the roof attached and originally was going with screening for the walls, but because of the heat, rethinking that and possibly using plastic and add air conditioning. There is no measurement requirement as long as they have a food and beverage license for the Specific Use Permit.

At 7:42 pm, Mayor Earwood closed the Public Hearing.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RECOMMENDATION OF THE APPLICATION SUBMITTED BY ZAIDEE SILWAD, INC, APPLICANT (AZA FAMILY INC, RECORD OWNER) REQUESTING A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) AT 4913 OHIO GARDEN ROAD IN ACCORDANCE TO SECTION 23A.G.3.I FOR ON PREMISE CONSUMPTION (RESTAURANT), PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED AND AS AMENDED. (SUP 2018-0002)

CM Ashton moved, seconded by CM Chisholm to approve the Special Use Permit at 4913 Ohio Garden Rd for the sale of alcoholic beverages (beer & wine) in accordance to Section 23A.G.3.i for on premise consumption pursuant to Zoning Ordinance #1158-2017 as adopted and as amended contingent on showing proof of holding a Food and Beverage License before a Certificate of Occupancy permit will be issued and to construct a minimum 630 square foot addition to the existing building that meets approval of the City Inspection Department meeting the requirements of the 2012 International Building Code as adopted and amended by the City of River Oaks. CM Ashton, CM Chisholm, CM Scott & CM Butler voted "Aye". Mayor Pro Tem Holland voted "Nay". Motion passed.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF THE PARKS BOARD RECOMMENDATION TO INSTALL THE AQUA IN COLOR "WELCOME TO MCGEE PARK BALLFIELD" BY APPROVING ORDINANCE #1192-2018 BY EXPENDING PARK DONATION FUNDS IN THE AMOUNT OF \$1,440.00 FOR PURCHASING AND INSTALLING THE SIGN ON THE BLEACHERS AT MCGEE PARK AND BY REPEALING ORDINANCE #1184-2018 IN ITS ENTIRETY.

This is to replace the Texas Rangers sign at McGee Park. There are two proposals: one with the green background and the other with the blue background. The Park Board recommends the blue background. The original framework is too large for the proposed sign. The cost with the new framework will be \$1,440.00 from Print & Sign Design. Council has requested quotes from other sign companies.

CM Chisholm moved, seconded by CM Butler to approve Ordinance #1192-2018 not to exceed \$1,440.00 and to obtain other quotes. All voted "Aye".

OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:

15. DISCUSSION AND/OR ACTION ON LAND ACQUISITION, PURCHASE OR SALE OF REAL PROPERTY.

This item was done in Item #19.

16. CONSIDER APPROVAL OF ATTENDANCE FOR TML ANNUAL CONFERENCE AND EXHIBITION OCTOBER 20-22, 2018 IN FORT WORTH, TEXAS.

Department Heads and City Council that would like to attend will notify staff.

PUBLIC FORUM:

17. 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**

Mayor Pro Tem Holland-firework show excellent; Fort Worth Magazine has a great article on restaurants in River Oaks.

CM Chisholm-commended ACO King on the lip syncing challenge he had done; new law firm by the bicycle shop.

Mayor Earwood- Roberts Cut Off is re-opened and ready for resurfacing; big change on the old Seeley's Paint & Body building.

EXECUTIVE SESSION:

18. 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.

At 7:53 pm, Mayor Earwood and City Council went into Executive Session under Sections 551.071, 551.072, 551.074, and 551.076.

At 8:31 pm, Mayor Earwood and City Council re-convened back into Regular Session.

RECONVENE:

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

Item #15: DISCUSSION AND/OR ACTION ON LAND ACQUISITION, PURCHASE OR SALE OF REAL PROPERTY.

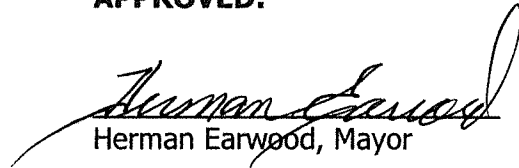
CM Ashton moved, seconded to CM Chisholm to direct staff to execute into an agreement with a consultant regarding real property, future animal shelter and a multi-purpose municipal use subject to the city attorney's approval. All voted "Aye".

ADJOURN:


20. ADJOURN

**At 8:35 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