

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MARCH 13, 2018**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BETSY ELAM
EMERGENCY MGT JAMES MYRICK
PUBLIC WORKS DIRECTOR GORDON SMITH
FIRE CHIEF JAMES BROWN
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
LIBRARY DIRECTOR JEANETTE WINTER

ABSENT:

MAYOR HERMAN EARWOOD-EXCUSED

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, March 13, 2018 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Scott delivered the Invocation.

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

CM Scott led the Pledges of Allegiance to the United States and the Texas Flags.

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

Mayor Pro Tem Ashton read a Proclamation: April 2018 as Child Abuse Prevention Month.

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 27, 2018 REGULAR COUNCIL MEETING
- B. APPROVE BILLS PAYABLE FOR PERIOD ENDING MARCH 13, 2018 (FY 2018)
- C. APPROVE HIRING OF SAMMY GARCIA AS FULL TIME POLICE OFFICER
- D. APPROVE HIRING OF ASHLEY STRINGER AS RESERVE POLICE OFFICER
- E. APPROVE HIRING OF CROSSING GUARD
- F. APPROVE TERMINATION/RESIGNATION OF PUBLIC WORKS EMPLOYEE

G. APPROVE HIRING OF LIBRARY CLERK

Mayor Pro Tem Ashton removed Item #F from the Consent Agenda and to be placed on the next Council Agenda.

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

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

NONE

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

7. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION SUBMITTED BY KEITH STEELE AT 5177 RIVER OAKS BLVD. REQUESTING A SIGN VARIANCE IN ORDER TO INSTSALL A 72 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN THAT IS IN VIOLATION OF SEC. 3.12.083 "ATTACHED SIGN" (D) "MAXIMUM AREA" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS ADOPTED AND AS AMENDED REQUIRING THAT AN ATTACHED SIGN NOT EXCEED 0.75 SQUARE FEET FOR EVERY ONE FOOT OF WIDTH OF BUILDING OR LEASE SPACE, NOT TO EXCEED 400 SQUARE FEET (VA 312-2018-01).

At 7:06 p.m., Mayor Pro Tem Ashton opened the Public Hearing.

Keith Steele was present. This sign is a 6' x 12' LED message center which will be above the garage door. The Car Wraps sign will be moved.

At 7:09 p.m., Mayor Pro Tem Ashton closed the Public Hearing.

8. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION SUBMITTED BY KEITH STEELE AT 5177 RIVER OAKS BLVD. REQUESTING A SIGN VARIANCE IN ORDER TO INSTSALL A 72 SQUARE FOOT LED ILLUMINATED MESSAGE BOARD SIGN THAT IS IN VIOLATION OF SEC. 3.12.083 "ATTACHED SIGN" (D) "MAXIMUM AREA" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS ADOPTED AND AS AMENDED REQUIRING THAT AN ATTACHED SIGN NOT EXCEED 0.75 SQUARE FEET FOR EVERY ONE FOOT OF WIDTH OF BUILDING OR LEASE SPACE, NOT TO EXCEED 400 SQUARE FEET (VA 312-2018-01).

CM Butler moved, seconded by CM Scott to find that the variance request of Keith Steele at 5177 River Oaks Blvd that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed and that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article. Therefore, we move to grant a variance to the sign code in order for Keith Steele at 5177 River Oaks Blvd in order to install a 72 square feet

attached LED message board in lieu of the required 12.75 square feet for an attached sign pursuant to Section 3.12.083 "Attached Sign" (d) "maximum area" of the River Oaks Code of Ordinances (2006) as adopted and as amended requiring that an attached sign not exceed 0.75 square feet for every one foot of width of building or lease space, not to exceed 400 square feet. All voted "Aye".

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

9. APPEARANCE OF JOSE LUNA REQUESTING APPROVAL TO SERVE ALCOHOL AT HIS WEDDING THAT TAKES PLACE IN THE COMMUNITY CENTER ON MARCH 24, 2018.

Jose Luna was present. If approved, it will be a BYOB and a margarita machine will be there. The rental is from 12 noon – 12 midnight. There will be approximately 200 people in attendance.

CM Butler moved, seconded by CM Holland to deny the request. CM Butler, Holland and Scott voted "Aye"; CM Chisholm and Mayor Pro Tem Ashton voted "Nay". Motion approved.

10. APPEARANCE OF YENI MUNTES REQUESTING APPROVAL TO WAIVE THE ADMINISTRATION FEE FOR WATER SERVICE DISCONNECTION AT 5111 BLACK OAK LANE ON FEBRUARY 27, 2018.

Yeni Munte was not present. The resident had failed to pay the water bill due to being out of the country thru February 26, 2018. The administration fee was applied on February 27th, 2018 at 6:00 a.m.

CM Holland moved, seconded by CM Butler to deny the request. CM Holland and CM Butler voted "Aye". CM Chisholm, Mayor Pro-Tem Ashton and CM Scott voted "Nay". Motion failed.

CM Scott moved, seconded by CM Chisholm to approve waiving the administration fee. CM Scott, CM Chisholm and Mayor Pro Tem Ashton voted "Aye". CM Butler and CM Holland voted "Nay". Motion approved.

11. APPEARANCE OF STEVEN PERRY REQUESTING TEMPORARY PLACEMENT OF THREE FOOT X FOUR FOOT SIGNAGE AT VARIOUS LOCATIONS IN THE CITY RIGHT-OF-WAY ANNOUNCING THE OPENING OF MAVERICK BARBECUE RESTAURANT AT 4813 OHIO GARDEN RD.

Steven Perry was present. The plan was to open before April 1st but due to getting the internet installed, opening may be postponed to April 1st. There will be 6-8 signs that will be strategically placed and maintained. Signs will be placed two weeks before opening and to remain up two weeks after opening.

CM Scott moved, seconded by CM Holland to allow the signs as stated in the Special Purpose Signage in the Code of Ordinances Section 3.12.037 including the city right of ways with a total of six signs with one of the signs on site and all signs can be up for a maximum of 45 days. All voted "Aye".

12. CONSIDER APPROVAL OF RECOMMENDATION FROM LIBRARY DIRECTOR TO CHANGE THE HOURS OF THE LIBRARY WILL BE OPENED BEGINNING ON MAY 1, 2018.

Currently Monday's hours are from 12 noon-6 p.m. Would like to try on Monday's starting May 1st thru the end of August from 2 p.m.-8 p.m. which would not change the number of hours.

CM Holland moved, seconded by CM Scott to approve the hours of the Library. All voted "Aye".

13. DISCUSSION AND/OR ACTION ON CITY PLATTING PROCEDURES AS ADOPTED UNDER ORDINANCE #620-03 ON JANUARY 28, 2003.

The Planning and Zoning have the authority over platting procedures. Currently the Subdivision Ordinance is being updated.

No action was taken.

14. DISCUSSION AND/OR ACTION ON PLANS FOR ALL AMERICAN CELEBRATION EVENTS SCHEDULED FOR JUNE 30, 2018.

Shirley Wheat would like to have the festivities at the Community Center. Currently the plan is to have the fireworks at Victory Church but would like to have the fireworks close to the Community Center possibly at the school. The school will be contacted.

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

15. CONSIDER APPROVAL OF ORDINANCE #1179-2018 AMENDING ARTICLE 6.03 "PROPERTY MAINTENANCE" OF THE RIVER OAKS CODE OF ORDINANCES (2006) THAT INCORPORATED DIVISION 3 "OUTSIDE STORAGE OF PERSONAL PROPERTY" AS ADOPTED BY ORDINANCE 1161-2017 WHICH PROHIBITED THE OUTSIDE STORAGE OF PERSONAL PROPERTY ON RESIDENTIAL PROPERTY IN THE CITY BY INCORPORATING THE DEFINITION FOR ACCUMULATION OF PERSONAL PROPERTY AND PROHIBITING OUTSIDE ACCUMULATION OF PERSONAL PROPERTY.

Code Enforcement would like the revision instead of saying "outside storage of personal property" to "outside accumulation of personal property". And to add an accumulation definition.

CM Scott moved, seconded by CM Butler to approve Ordinance #1179-2018. All voted "Aye".

16. CONSIDER APPROVAL OF RESOLUTION #920-2018 AUTHORIZING CONTINUED PARTNERSHIP WITH THE ATMOS STEERING COMMITTEE.

CM Holland moved, seconded by CM Scott to approve Resolution #920-2018. All voted "Aye".

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**

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.

NONE

RECONVENE:

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


NONE

ADJOURN:

20. ADJOURN

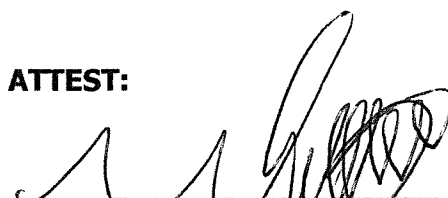
At 8:19 p.m. CM Holland moved, seconded by CM Scott, to adjourn the meeting. All voted "Aye".

APPROVED:



Joe Ashton, Mayor Pro Tem

ATTEST:



Marvin Gregory, City Secretary