

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
NOVEMBER 14, 2017**

MEMBERS PRESENT:

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

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
ASST CITY SECRETARY PAULA LUCK
POLICE CHIEF CHRIS SPIELDENNER
CITY ATTORNEY BRADLEY ANDERLE
EMERGENCY MGT JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
PUBLIC WORKS DIRECTOR GORDON SMITH
FIRE CHIEF JAMES BROWN
LIBRARY DIRECTOR JEANETTE WINTER
EDC COORDINATOR PATRICIA WARD
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
CODE ENFORCEMENT OFFICER BETH BLEVINS
CODE ENFORCEMENT OFFICER DEBRA VECHNAK

ABSENT:

CM BRUCE SCOTT-EXCUSED (WORK)

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 14, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Holland delivered the Invocation.

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

CM 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. MINUTES OF OCTOBER 24, 2017 REGULAR COUNCIL MEETING

B. APPROVE BILLS PAYABLE FOR PERIOD ENDING NOVEMBER 14, 2017 (FY 2018)

C. RATIFY HIRING OF GREGORY KEY AS RESERVE POLICE OFFICER

D. APPROVE 4TH QUARTER FY 2017 INVESTMENT REPORT

E. APPROVE 4TH QUARTER EDC REPORT (JULY 1-SEPTEMBER 30, 2017)

F. APPROVE 4TH QUARTER CCPD REPORT (JULY 1-SEPTEMBER 30, 2017)

CM Butler moved, seconded by CM Holland to approve the Consent Agenda Items #A-F with corrections to item #A. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.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. PERSONAL APPEARANCE OF PAUL E. DORIN AT 1220 YALE REQUESTING WAIVING THE 75% MASONRY SIDING REQUIREMENT IN ORDER TO ERECT A 1,320 SQUARE FOOT ACCESSORY STRUCTURE ON THE LOT AS REPLATTED.

Paul Dorin of 1220 Yale was present. This process started a year ago with purchasing and replatting the lot next door into one lot in order to build a 1,320 square foot accessory structure. This is not a corner lot. At the time, nothing was said about the masonry siding requirements until he met with the city inspector recently when a permit was pulled. This structure is not the primary structure. It will be a garage, small workshop and storage structure. Pictures of two structures that are metal that are in the city were presented to the council. Mr. Dorin wants the 75% masonry requirement be waived so he can proceed with the structure. The color of the structure will probably be white with an accent color for the trim. The same color that is on his house is not available in metal.

The question is does this structure fall under new construction which has to meet the 75% masonry requirement. Normally structures are not the same size as a house.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve the request of waiving the 75% masonry siding requirements. Mayor Pro Tem Ashton, CM Chisholm, and Butler voted "Aye". CM Holland voted "Nay". Motion passed.

8. CONSIDER APPROVAL TO CLOSE LIBRARY FROM DECEMBER 4TH THROUGH DECEMBER 26TH DUE TO THE SHELVING INSTALLATION PROJECT AS FUNDED THROUGH THE TOCKER FOUNDATION, LIBRARY DONATION EXPENSE FUND AND LIBRARY DOLLAR FUND.

Library Director Jeanette Winter explained that the Tocker Foundation only donates to small libraries. This was brought before council several months ago. The three week closure will include taking the current shelving down along with putting books on carts and storing them in pods, having the installers install the new shelving and furniture, and putting the books back onto the new shelving. City Staff will be doing all the labor except for the install of the new shelving and furniture. 95% of the shelving will be new. The metal parts of the old shelving will be recycled. Painting will be done and the carpet will be looked at to either clean or request replacement at a later date.

CM Holland moved, seconded by CM Butler to approve the library closure from December 4th – December 26th, 2017. All voted "Aye."

9. CONSIDER APPROVAL OF ORDINANCE #1172-2017 AMENDING THE 2017-2018 FISCAL YEAR GENERAL FUND BUDGET FOR EXPENDITURE OF DOLLAR DONATIONS FUNDS FOR CARTS AND PODS USED IN TRANSPORTING BOOKS IN AND OUT OF LIBRARY DURING THE SHELVING INSTALLATION.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1172-2017. All voted "Aye".

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARINGS:

10. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE APPLICATION SUBMITTED BY CHARLES CLARKE OF ROYAL GRANITE & FLOORS AT 2621 JACKSBORO HWY REQUESTING A SIGN VARIANCE IN ORDER TO INSTALL A 245.34 SQUARE FEET ATTACHED BUILDING SIGN IN LIEU OF THE REQUIRED 26.25 SQUARE FEET FOR AN ATTACHED SIGN AND A ROOF SIGN THAT IS 203.33 SQUARE FEET IN LIEU OF THE REQUIRED 26.25 SQUARE FEET IN WHICH BOTH SIGNS WOULD BE IN VIOLATION OF SEC. 3.12.083 "ATTACHED SIGN" (D) "MAXIMUM AREA" OF THE RIVER OAKS CODE AND IN VIOLATION OF SECTION 3.12.083 (E) "MAXIMUM NUMBER OF SIGNS". (VA 312-2017-01)

At 7:35 p.m., Mayor Earwood opened the Public Hearing.

Charles Clarke, owner and Thomas who is representing the owner was present. This sign will be flat metal with metal letters that are not illuminated. It is 245.34 square foot sign which is much larger than what is required. The council would like the Public Hearing to remain open until November 28th, 2017 at 7:00 p.m. so an example can be presented on what the sign will look like.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE APPLICATION SUBMITTED BY CHARLES CLARKE OF ROYAL GRANITE & FLOORS AT 2621 JACKSBORO HWY REQUESTING A SIGN VARIANCE IN ORDER TO INSTALL A 245.34 SQUARE FEET ATTACHED BUILDING SIGN IN LIEU OF THE REQUIRED 26.25 SQUARE FEET FOR AN ATTACHED SIGN AND A ROOF SIGN THAT IS 203.33 SQUARE FEET IN LIEU OF THE REQUIRED 26.25 SQUARE FEET IN WHICH BOTH SIGNS WOULD BE IN VIOLATION OF SEC. 3.12.083 "ATTACHED SIGN" (D) "MAXIMUM AREA" OF THE RIVER OAKS CODE AND IN VIOLATION OF SECTION 3.12.083 (E) "MAXIMUM NUMBER OF SIGNS". (VA 312-2017-01)

NONE

ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

12. CONSIDER APPROVAL OF ORDINANCE #1161-2017 AMENDING ARTICLE 6.03 "PROPERTY MAINTENANCE" OF THE RIVER OAKS CODE OF ORDINANCES (2006) INCORPORATING "DIVISION 3" "OUTSIDE STORAGE OF PERSONAL PROPERTY".

Code Enforcement Officers Debra Vechnak & Beth Blevins brought this before council a while back. Residents are storing items in visible site and are claiming these items are usable items and not junk and debris. City Attorney Anderle has an ordinance that he will share with us and thinks it would be a good fit for us.

No action taken.

13. CONSIDER APPROVAL OF ORDINANCE #1171-2017 AMENDING THE 2017-2018 FISCAL YEAR WATER FUND BUDGET FOR REPAIRS TO THE WATER PLANT OPERATORS HOUSE.

PWD Smith presented the list of repairs and cost at the last council meeting.

Mayor Pro Tem Ashton moved, seconded by CM Chisholm to approve Ordinance #1171-2017. All voted "Aye".

OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:

14. DISCUSSION AND/OR ACTION ON CITY COMPLEX ROOF IMPROVEMENTS AS PRESENTED BY PWD GORDON SMITH.

PWD Smith had met dkhaney Roofing at the TML annual conference. The roofs were replaced at the Police Department and the Fire Department. The roof over City Hall and the Library has had minor leaks for many years and they are continuing. The city filed a claim with TML and we received \$10,630.69 because of the life of the roof. Steven Welch with dkhaney Roofing was present. A material called Duro-Last was presented to the council that will be used. It has a 15 year warranty and will take 6" of pawning water. This product covers the current roof. The loose gravel on the current roof will be vacuumed off. This product has been used by dkhaney for 17 years and they are certified to install this product. Walk pads will be put on the roof for a/c repairs, etc. Council agreed to get an estimate of the cost of removing the roof and replacing it for a comparison.

15. CONSIDER APPROVAL OF RESOLUTION #913-2017 AND INTERLOCAL AGREEMENT PARTICIPATING IN THE TIPS PURCHASING COOPERATIVE.

PWD Smith said this Resolution was last passed in 2015 and it needs to be updated.

Mayor Pro Tem Ashton moved, seconded by CM Butler to approve Resolution #913-2017. All voted "Aye".

16. PARTICIPATION IN THE ANNUAL MAYOR'S COUNCIL BANQUET.

Mayor Earwood and Mayor Pro Tem Ashton will be attending.

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**

PWD Smith will me meeting with Bill Lohrke tomorrow which our first bid package will be presented. The sidewalk starts tomorrow. The Meandering Road design team is meeting regularly. The bus stop outside of City Hall is inspected daily and the concrete work should be done by the end of the week.

Community Center Director Shirley Wheat said the new lights were installed at the center but they will have to be adjusted. Currently there is no timer on the lights. There is a switch that is flipped which council agreed we need to keep these lights on a switch and only turn them on when there are activities. The Police Department will look at the lights to make sure they are not hindering traffic.

CM Chisholm announced that the seasonal banners will be installed on Monday.

Mayor Pro Tem Ashton reminded everyone about the fundraiser this coming Thursday.

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. **Public Works Director**
- d. Section 551.076 Deliberation regarding security devices.

NONE

RECONVENE:

19. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

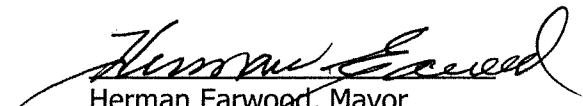
NONE

ADJOURN:


20. ADJOURN

At 8:38 p.m. CM Holland moved, seconded by Mayor Pro Tem Ashton, to adjourn the meeting. All voted "Aye".

APPROVED:


Herman Earwood, Mayor

ATTEST:


Marvin Gregory, City Secretary