

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
SEPTEMBER 14, 2010**

**MEMBERS PRESENT:**

MAYOR HERMAN EARWOOD  
MAYOR PRO TEM JOANN GORDON  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER R.R. "BOB" MINTER

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
FIRE CHIEF BILL CREWS  
LIEUTENANT AVIN CARTER  
PUBLIC WORKS SUPERINTENDENT JAMES HATLEY  
SECRETARY SUSAN STEWART

**MEMBERS ABSENT:**

COUNCIL MEMBER JOE CREWS (OUT OF TOWN)

**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, September 14, 2010 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION**

Council Member Holland delivered the Invocation.

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

Citizen John Claridge led the pledges of allegiance to the United States and the Texas Flags.

**4. READING OF PROCLAMATION(S) 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.

- A. MINUTES OF REGULAR CITY COUNCIL MEETING AUGUST 24, 2010
- B. MINUTES OF SPECIAL CALLED CITY COUNCIL MEETING AUGUST 31, 2010
- C. MINUTES OF SPECIAL CALLED CITY COUNCIL MEETING SEPTEMBER 7, 2010
- D. BILLS PAYABLE FOR PERIOD ENDING SEPTEMBER 14, 2010
- E. APPROVAL OF RESIGNATION OF PUBLIC WORKS EMPLOYEE SCOTT MINICH

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve consent agenda items A, B, C, D, and E as presented. All voted "Aye."**

**6. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

**None.**

**PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:**

**7. PUBLIC HEARING CONTINUED FROM AUGUST 24, 2010:** TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED, **TO CHANGE THE ZONING CLASSIFICATION OF** BLOCK 5, LOT 16BR1, ROCKWOOD TERRACE ADDITION, OTHERWISE KNOWN AS 1816 LONG AVE. FROM "R-2" SINGLE-FAMILY TO "C-3" COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A PET CREMATION (*ZONING CASE # 2010-PZ-02*)

Mayor Earwood announced that this public hearing was continued from August 24, 2010.

With no public input or comments, Mayor Earwood closed the public hearing at 7:03 p.m.

**8. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED, **TO CHANGE THE ZONING CLASSIFICATION OF** BLOCK 5, LOT 16BR1, ROCKWOOD TERRACE ADDITION, OTHERWISE KNOWN AS 1816 LONG AVE. FROM "R-2" SINGLE-FAMILY TO "C-3" COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A PET CREMATION (*ZONING CASE # 2010-PZ- 02*)

**Mayor Pro Tem Gordon moved, seconded by Council Member Holland, to accept the withdrawal letter from Jon Evans.**

CS Gregory explained that the property owner, Jon Evans, had submitted a letter withdrawing the request. The Planning and Zoning Commission voted to recommend to the City Council to accept the withdrawal letter.

**All voted "Aye."**

**9. PUBLIC HEARING CONTINUED FROM AUGUST 24, 2010:** TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE **REPLAT AND SITE PLAN PROPOSAL** OF 2 D PARTNERS TO AMEND THE PROPERTY PLAT OF A PORTION OF LOT 16 BR1 AND LOTS 17A AND 17B IN BLOCK 5 OF THE ROCKWOOD TERRACE ADDITION INTO A SINGLE PLATTED LOT FOR THE PURPOSE OF BUILDING A PET CREMATORY ON THE

PROPERTY IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE (*ZONING CASE # 2010-PZ- 03*)

Mayor Earwood announced that this public hearing was continued from August 24, 2010.

Mayor Earwood gave the opportunity for public input or comments.

CS Gregory explained that the property owner, Jon Evans, had submitted a letter withdrawing the request. The Planning and Zoning Commission voted to recommend to the City Council to accept the withdrawal letter.

At 7:07 p.m. Mayor Earwood closed the public hearing.

**10. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE PROPOSED **REPLAT AND SITE PLAN PROPOSAL** OF 2 D PARTNERS TO AMEND THE PROPERTY PLAT OF A PORTION OF LOT 16 BR1 AND LOTS 17A AND 17B IN BLOCK 5 OF THE ROCKWOOD TERRACE ADDITION INTO A SINGLE PLATTED LOT FOR THE PURPOSE OF BUILDING A PET CREMATORY ON THE PROPERTY IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE (*ZONING CASE # 2010-PZ- 03*)

**Mayor Pro Tem Gordon moved, seconded by Council Member Minter, to accept the letter of withdrawal from Jon Evans and to deny the request for the replat. All voted "Aye."**

**PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

**11. CONSIDER RECOMMENDATION TO THE CITY COUNCIL ON REFUNDING THE FEES REGARDING THE REZONING APPLICATION BY JON EVANS**

CS Gregory reviewed that fees paid by Mr. Evans: \$200 for the text amendment; \$400 for the rezoning application; \$210 for the re-plat request; and \$200 for the site plan application. CS Gregory explained the cost involved in Mr. Evans requests. The text amendment was heard and could not be refunded. The rezoning application involved publication and notification costs and could only be partially refunded. Mr. Evans intends to apply to amend that plat which can be approved by the Public Works Director at a cost of \$200; therefore only \$10 could be refunded for the re-plat. The site plan application also involved publication and notification and could be partially refunded. CS Gregory added that these cost do not include attorney fees for phone consultations or the appearance of the attorney at the Planning and Zoning Commission Meeting.

**Council Member Holland moved, seconded by Council Member Butler, to deny any refunding of fees regarding the applications submitted by Jon Evans. All voted "Aye."**

12. CONSIDER APPROVAL OF REQUEST BY STEVE SANDERS, PRESIDENT OF L.Y.S.A. FOR USE OF THE COMMUNITY CENTER AS A CITY USER WITH NO RENTAL CHARGE

Mayor Earwood stated that he had approved a one-time usage of the Community Center by the LYSA cheerleaders.

Steve Sanders, LYSA (Lions Youth Sports Association) President, was present to request a waiver of rental fees for a homecoming dance for the youth association's participants. Mr. Sanders included in his request that the cheerleaders be allowed to practice at the Community Center as no cost during inclement weather.

**Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to deny the LYSA the use of the Community Center as a City User. All voted "Aye."**

13. CONSIDER APPROVAL OF CITY HOLIDAY SCHEDULE AND SET THE DATE FOR THE ANNUAL EMPLOYEE'S CHRISTMAS BANQUET

CS Gregory presented a proposed schedule for the upcoming holiday season. In observance of Thanksgiving Day, City offices are closed on Thursday November 25<sup>th</sup>, no trash service and Friday November 26<sup>th</sup>, with trash service. In observance of Christmas Day, Staff is requesting that City offices be closed on Friday December 24<sup>th</sup>, with no trash service and Monday December 27<sup>th</sup>, with trash service. In observance of New Year's Day, City offices would be closed on Friday December 31<sup>st</sup>, with no trash service.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve the City Holiday Schedule and the date for the Annual Employee's Christmas Banquet as presented. All vote "Aye."**

14. CONSIDER APPROVAL TO REMOVE ISEL VALENZUELA AS AN ALTERNATE MEMBER FROM THE PLANNING AND ZONING COMMISSION

CS Gregory stated that pursuant to Section 1.04.033 of the River Oaks Code of Ordinances any member who misses three consecutive meetings without notification and approval of the board is subject to removal from the board. CS Gregory reported that Planning and Zoning Commission Member Isel Valenzuela has missed three consecutive meetings.

Council Members agreed that the board chairperson should contact any board member who has been absent without notification and the board should then make a recommendation to the City Council prior to any board member removal.

Mayor Earwood directed CS Gregory to develop a universal form for board removal recommendations.

**No action was taken.**

**ORDINANCES / RESOLUTIONS AND OTHER ITEMS REQUIRING COUNCIL APPROVAL/ACTION:**

15. CONSIDER APPROVAL OF ORDINANCE # **855-2010** AMENDING THE E.D.C. 2010-2010 FISCAL YEAR BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE

Council Member Gordon explained that \$250 of the request is for the sample banners that were not originally budgeted. Also, EDC had approved the addition of tabs on the banners so that seasonal banners could be attached if desired, resulting in a total overage of \$270.

**Mayor Pro Tem Gordon moved, seconded by Council Member Holland, to approve Ordinance No. 855-2010 as presented. All voted "Aye."**

16. CONSIDER APPROVAL OF ORDINANCE # **856-2010** AMENDING THE 2010-2010 FISCAL YEAR BUDGET FOR CITY DOLLAR FUND EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE DATE

CS Gregory reported that this request is to amend the budget to include the \$1,000 dollar donation expenditure for the skate park dedication.

**Council Member Holland moved, seconded by Council Member Butler, to approve Ordinance No. 856-2010 as presented. All voted "Aye."**

17. CONSIDER APPROVAL OF RESOLUTION NO. **683-2010** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE OCTOBER 1, 2010 THRU SEPTEMBER 30, 2011 OPERATING BUDGET AS QUALIFIED FOR PROJECTS MORE THAN \$10,000.00 (SECOND READING)

No discussion occurred.

**Mayor Pro Tem Gordon moved, seconded by Council Member Butler, to approve Resolution No. 683-2010 as presented. All voted "Aye."**

**STAFF REPORTS:**

18. UPDATE ON THE SKATE PARK DEDICATION HELD ON SEPTEMBER 11, 2010

Mayor Earwood acknowledged the outstanding job performed by the Park Board, volunteers, and City Staff related to the Skate Park Dedication.

Park Board Chairman Hub Makarwich estimated that 500 people attended during the two-hour event. Chairman Makarwich thanked all attendees, Police and Fire Departments, City Staff and City Council for participating.

**PUBLIC FORUM:**

19. 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**

**James Ashley**, 802 Merritt, mentioned a recent gas line explosion in California. FC Crews stated that the City of River Oaks does not have any gas lines the size and as high pressured as the one that exploded.

**Council Member Holland** inquired about the property at 4847 River Oaks Blvd that recently experienced a fire. Inspector Sanders reported that the owner is interested in repairing the building and an electrical permit has been issued. FC Crews reported that the cause of the fire is undetermined and may have been electrical or caused by lightning strike.

**EXECUTIVE SESSION:**

20. 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 complaint or charge against an Officer or Employee
- d. Section 551.076 Deliberation regarding security devices

**None called for.**

**RECONVENE:**

21. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

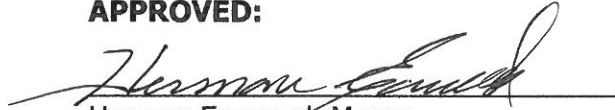
**None.**

**ADJOURN:**


22. ADJOURN

**At 7:43 p.m. Council Member Butler moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."**

**APPROVED:**

  
Herman Earwood, Mayor

**ATTEST:**

  
Marvin Gregory, City Secretary