

**MINUTES OF THE SPECIAL CALLED MEETING
RIVER OAKS CITY COUNCIL
DECEMBER 7, 2021**

MEMBERS PRESENT:

MAYOR JOE ASHTON
MAYOR PRO TEM DARREN HOUK
COUNCIL MEMBER JOHN CLARIDGE
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER DAN CHISHOLM
COUNCIL MEMBER YOLIE RODRIGUEZ

STAFF PRESENT:

CITY MANAGER MARVIN GREGORY
CITY SECRETARY PAULA LUCK
PUBLIC WORKS DIRECTOR GORDON SMITH
EVENT CENTER DIRECTOR SHIRLEY WHEAT
CITY ATTORNEY BETSY ELAM

ABSENT:

NONE

1. CALL TO ORDER

With a quorum present, Mayor Ashton called the Special Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, December 7, 2021 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Houk delivered the Invocation.

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

Mayor Pro Tem Houk led the Pledges of Allegiance to the United States and the Texas Flags.

Mayor Ashton wanted everyone to remember the attack on Pearl Harbor today 80 years ago.

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

NONE

5. PUBLIC TESTIMONY: CITIZENS TO SPEAK ON ANY TOPIC OR ANY AGENDA ITEM BEFORE AN DURING THE MEETING BY RAISING YOUR HAND TO BE RECOGNIZED; 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 THAT ISSUE, AND NO COUNCIL DELIBERATION IS PERMITTED FOR TOPICS NOT SPECIFICALLY LISTED ON THIS AGENDA.

NONE

PUBLIC HEARINGS/ACTION FROM PUBLIC HEARING:

6. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED THE PROPOSED TEXT AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE # 1286-2020, AS AMENDED (CASE PZ 2021-0012), AS HEREIN PROVIDED:

(a) Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 14 "C-1" Commercial District - (Neighborhood Retail)" under Section 14.B "Use Regulations" amending use regulations by removing the following as being a permitted use in a C-1 Commercial Zoning District: *Cigar & Tobacco Stores & Massage Establishment*

(b) Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 14 "C-1" Commercial District - (Neighborhood Retail)", Section 15 "C-2" Commercial District" and Section 16 "C-3" Commercial District" under "Use Regulations" by adding term language for substantially similar, new or unlisted uses of businesses.

(c) Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 15 "C-2" Commercial District" under Section 15.B "Use Regulations" amending the use regulations by removing or revising permitted uses in a C-2 Commercial Zoning District as follows: *Removing Automobile Laundry (carwash); Garage Storage Only; Garages, public for repairs; Body Piercing & Tattoo Studios as permitted uses and revising uses for Cleaning, dyeing & pressing works; Financial Institutions & Fuel dispensing gas stations.*

(d) Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 16 "C-3" Commercial District" under Section 16.B "Use Regulations" amending the use regulations by removing the following as being a permitted use in a C-3 Commercial Zoning District: **Pawn Shop**

(e) Amend Article 14.03 "Zoning and Sign Ordinances" of the River Oaks Code of Ordinances (2020) by revising Article 14.03 (a) "Zoning Ordinance" amending Section 14.03.001 "Adopted" Exhibit A "Zoning Ordinance" specifically in Section 22.A "Authorized Accessory Uses" # 5 "Carports, subject to the following requirements" revising Sections 22.A.5.c, 22.A.5.d and 22.A.5.g.

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

This is regarding the Moratorium Ordinance.

Attached is what the Planning & Zoning Commission approved and recommended to the City Council.

Royce Shields, the Zoning Board of Adjustments Chairman was present. The state puts the hardships on. Mayor Ashton mentioned that White Settlement has a "special exception". If someone wants for example a carport, letters are sent out to neighbors. If the neighbors do not object, they can build it. If they do object, it will go before the Zoning Board of Adjustments, not for a variance but for the objection.

The Planning & Zoning Commission wanted a 15' set back on carports on a corner lot, and the Zoning Board of Adjustments wanted a 20' set back. Council agreed to a 15' set back on carports on corner lots.

With both banks closed in River Oaks, one bank has left their ATM machine for now. There is one business that does have an ATM inside their business. Council agreed to not to restrict free standing ATM's.

There are some undesirable tire shops around. If we restrict tire shops now and if a major brand tire shop wants to come into River Oaks in the future, we can amend the ordinance to allow it. If for example an existing tire shop closes and a new owner wants to open another tire shop, the new owner will have to register as a legal non-conforming. But the new owner cannot expand that business.

At 7:43 p.m., Mayor Ashton closed the Public Hearing.

7. **ACTION FROM PUBLIC HEARING:** IN ORDER TO CONSIDER APPROVAL OF **ORDINANCE # 1331-2021** AMENDING THE COMPREHENSIVE ZONING ORDINANCE # 1286-2020 SPECIFICALLY REVISING SECTION 14 "C-1 COMMERCIAL DISTRICT - (NEIGHBORHOOD RETAIL)", SECTION 15 "C-2 COMMERCIAL DISTRICT", SECTION 16 "C-3 COMMERCIAL DISTRICT" AND SECTION 22.A "AUTHORIZED ACCESSORY USES" # 5 "CARPORTS SUBJECT TO THE FOLLOWING REQUIREMENTS" (ZONING CASE PZ 2021-0012).

CM Claridge moved, seconded by Mayor Pro Tem Houk to approve Ordinance #1331-2021 with these changes: to not restrict ATM machines and allow them; and to allow a 15' setback on carports on corner lots. All voted "Aye".

OTHER ITEMS FOR DISCUSSION AND/OR ACTION:

8. DISCUSSION AND/OR ACTION REGARDING UPDATES FROM THE CITY MANAGER ADVISING THE MAYOR AND CITY COUNCIL ON PERSONNEL, CITY'S FISCAL CONDITION, PANDEMIC EXECUTIVE ORDERS, SCHEDULING COUNCIL WORK SESSIONS, FUTURE NEEDS OF THE CITY AND OTHER CITY MANAGER RECOMMENDATIONS.

We have applied for discretionary funds from the 2006 Transportation Bond to do street improvements on Merritt from River Oaks Blvd to Barbara Road.

CORRESPONDENCE:

9. COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS.

CM Rodriguez-been bombarded by citizens on why River Oaks did not have a Christmas parade and the surrounding cities did and would like to see a parade next year. The lights at the Event Center look good.

Mayor Pro Tem Houk-one of the reasons we did not have a Christmas parade this year is because we have manpower issues.

Mayor Ashton-appreciates the many late hours CM Gregory puts in.

EXECUTIVE SESSION:

10. 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

RECONVENE:

11. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

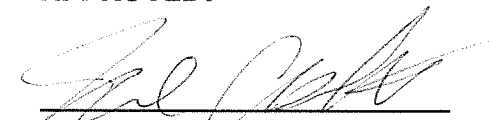
NONE

ADJOURN:


12. ADJOURN

At 7:51 p.m., Mayor Ashton adjourned the meeting. All voted "Aye".

APPROVED:


Joe Ashton, Mayor

ATTEST:


Paula Luck, City Secretary