

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
JULY 30, 2013**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOANN GORDON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER JOE CREWS
COUNCIL MEMBER JOE ASHTON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
EMERGENCY MANAGEMENT COORDINATOR JAMES MYRICK
POLICE CHIEF AVIN CARTER (AT 7:04 P.M.)
FIRE CHIEF CHRIS HAWKINS (AT 7:07 P.M.)
PUBLIC WORKS DIRECTOR JAMES HATLEY
RECORDING SECRETARY SUSAN STEWART

MEMBERS PRESENT:

COUNCIL MEMBER STEVE HOLLAND (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, July 30, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

PWD Hatley delivered the Invocation.

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

PWD Hatley 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**

- MINUTES OF REGULAR COUNCIL MEETING JULY 23 , 2013
- RATIFY QUARTERLY FIRE CALL CHECKS PAYABLE FOR PERIOD ENDING JUNE 30, 2013
- RATIFY RESIGNATION OF LORI WATSON, CHAIRMAN OF PLANNING AND ZONING COMMISSION

Mayor Pro Tem Gordon moved, seconded by CM Butler, to approve consent agenda items A, B, and C as presented. 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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION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 TESTIMONY AND COMMENTS FROM THE PUBLIC REGARDING THE PROPOSED **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSE OF CONSTRUCTING A NEW 2,814 SQUARE FOOT BURGER KING RESTAURANT ON AN 81,947 SQUARE FEET LOT LOCATED AT 2605 JACKSBORO HIGHWAY IN A C-3 COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (ZONING CASE # PZ 2013-03).

At 7:02 p.m. Mayor Earwood opened the public hearing.

CS Gregory stated that the Planning and Zoning Commission recommends approval of the site plan proposal subject to: 1) meet the landscaping ordinance requirements; 2) continue the wrought iron designed fencing around the property as is located around the Quik Trip and then eastward along the drainage-way that extends to Jacksboro Highway; and 3) establish ownership of the drainage-way between 2605 and 2607 Jacksboro and if Firebrand Properties has control of that property, they must maintain the drainage-way.

CS Gregory relayed that Firebrand Properties has agreed to maintain the drainage-way that is under their control and to continue a similar fence.

Ryan Kim, project engineer, was present. Mr. Kim agreed to the request of Mayor Earwood for the landscaping and fence to be compatible to the type of business.

Armando Palacios, owner's representative, presented a photo of a similarly constructed Burger King.

CM Crews inquired about the parking requirements. Mr. Kim stated that 27 spaces are required; however, the site plan proposal includes 29 parking spaces.

The general contractor on the project thanked PC Carter for enforcement in the construction area near Burger King that assures the safety of the work crew. PC Carter stated that approximately 150 citations have been issued in that area.

At 7:13 p.m. Mayor Earwood closed the public hearing.

8. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL REGARDING A **SITE PLAN PROPOSAL APPLICATION** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSE OF CONSTRUCTING A NEW 2,814 SQUARE FOOT BURGER KING RESTAURANT ON AN 81,947 SQUARE FEET LOT LOCATED AT 2605 JACKSBORO HIGHWAY IN A C-3 COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (ZONING CASE # PZ 2013-03).

CM Butler moved, seconded by CM Crews, to approve the site plan proposal. All voted "Aye."

9. DISCUSS 2013 TAX RATE: TAKE RECORD VOTE AND SCHEDULE PUBLIC HEARINGS FOR AUGUST 20th AND AUGUST 27th IF PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER), (must have 2 public hearings if proposing tax rate that is more than the effective rate).

CS Gregory explained that the effective tax rate is \$0.850351 which would provide approximately \$1,852,938 in FY 2014 tax revenue. The current tax rate is \$0.856519 per \$100 of property value. CS Gregory added that the proposed budget is based on the 2013 effective tax rate of \$0.850351 per \$100 of property value. It was mentioned that public hearings would not be required if the effective tax rate is the option selected by the Council.

CM Crews moved, seconded by Mayor Pro Tem Gordon, to approve the effective tax rate \$0.850351. All voted "Aye."

10. FY 2013-2014 BUDGET WORKSHOP (IF NEEDED)

CS Gregory stated that the proposed budget is based on the effective tax rate of \$0.850351. CS Gregory reported a deficit of \$1,913 with all capital and salary increases removed from the operating budget.

Mayor Pro Tem Gordon relayed the recommendation of the finance committee to remove the shift pay proposal for the Fire Department pending negotiations with another city. Gordon stated that by the end of the calendar year, the option of a merger should be clear and the budget could be revised to accommodate for shift pay at that time if necessary.

FC Hawkins stated that the "back and forth" is negatively affecting the moral in the Fire Department.

Mayor Earwood stated that the goal is to adopt an operating budget and to separate all other capital needs, including the Fire Department shift pay plan proposal, into a "Council Approved" account.

FC Hawkins noted that the repeaters would need to be replaced this year.

It was agreed that a workshop would be called in December in order to finalize any plans for the Fire Department and begin the shift pay plan on January 1, 2014.

CS Gregory stated that the proposed budget must be posted on the website by August 10, 2013.

CS Gregory reported a deficit in the water fund of \$53,911. Mayor Earwood stated opposition for a rate increase for water services due to the amount of money in the reserve account.

11. ACTION IF ANY FROM BUDGET WORKSHOP

CM Crews moved, seconded by Mayor Pro Tem Gordon, to call the public hearing for the City's operational budgets on September 10, 2013. All voted "Aye."

12. **ADJOURN**

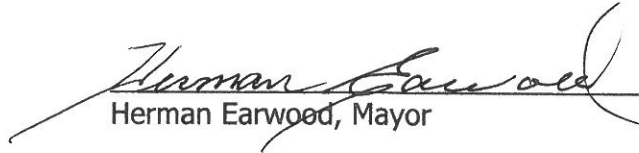
At 7:50 p.m. CM Crews moved, seconded by Mayor Pro Tem Gordon, to adjourn the meeting. All voted "Aye."

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor