



4900 River Oaks Boulevard River Oaks, Texas 76114

Mayor
Herman D. Earwood

City Council
Mayor Pro Tem/Place 2
Steve Holland

Place 1
JoAnn Butler

Place 3
Bruce Scott

Place 4
Joe Ashton

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City Secretary
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Fire Chief
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Public Works Director
James Hatley

Library Director
Veronica Clark

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Website
www.riveroakstx.com

NOTICE TO THE PUBLIC

A REGULAR MEETING OF THE RIVER OAKS CITY COUNCIL IS SCHEDULED IN THE COUNCIL CHAMBERS LOCATED AT 4900 RIVER OAKS BLVD.; RIVER OAKS, TEXAS ON **TUESDAY**

APRIL 14, 2015
7:00 PM

I certify that the above notice of meeting was posted on the bulletin board outside the River Oaks City Hall, 4900 River Oaks Blvd., a place that is accessible to the general public at all times, and that said notice was posted on **Friday, April 10, 2015 at 4:30 P.M.**

MARVIN GREGORY, CITY SECRETARY

AGENDA

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG
"HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE"
4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:
 - APRIL 7, 2015, AS NATIONAL SERVICE RECOGNITION DAY
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 MARCH 24, 2015 COUNCIL MEETING
 - B. RATIFY BILLS PAYABLE FOR PERIOD ENDING APRIL 14, 2015 (FY 2015)
 - C. APPROVE HIRING RESERVE POLICE OFFICER AS RECOMMENDED BY POLICE CHIEF CARTER



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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. CONSIDER APPROVAL OF REQUEST BY BILLIE DAKE FOR THE EXCLUSIVE RENTAL OF THE OUTSIDE OF COMMUNITY CENTER IN ORDER TO HOLD A CAR SHOW AS SUPPORTED BY **RESOLUTION 823-2015** FOR SPECIAL EVENT PERMITTING.

8. CONSIDER APPROVAL TO INSTALL HARDIBOARD SIDING IN A RESIDENTIAL ZONING DISTRICT AT 1404 GLENWICK DR. AS REQUESTED BY IDALIA GONZALEZ.

9. CONSIDER APPROVAL OF REQUEST FROM JAMES ASHLEY JR. AT 802 MERRITT ST. FOR AN EXCEPTION FROM SECTION 13.02.044 "UTILITY CUSTOMERS WHO BECOME DECEASED" DUE TO HIS UNIQUE SITUATION INVOLVING THE WATER ACCOUNT AT 802 MERRITT ST.

10. CONSIDER APPROVAL OF **RESOLUTION 824-2015** FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CINCO de MAYO FESTIVAL TO BE HELD AT THE COMMUNITY CENTER ON MAY 2, 2015 IN ORDER TO BENEFIT THE RIVER OAKS FIRE DEPT.

11. CONSIDER APPROVAL OF **RESOLUTION 825-2015** FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CINCO de MAYO FESTIVAL AT IRMA MARSH MIDDLE SCHOOL.

12. CONSIDER APPROVAL OF **RESOLUTION 826-2015** FOR SPECIAL EVENT PERMITTING TO BE HELD AT THE TITLE MAX AT 5560 RIVER OAKS BLVD. ON APRIL 17, 2015.

13. CONSIDER APPROVAL OF REQUEST BY DOUG VAN-NICE AT 1840 INSPIRATION LANE FOR CITY ASSISTANCE REGARDING ACCESS AND PERMITTING IN ORDER TO PERFORM A RIP-RAP STABILIZATION PROJECT IN THE REAR OF 1840 & 1844 INSPIRATION LANE.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

14. CONSIDER APPROVAL OF THE MID-YEAR FY 2014-2015 OPERATIONAL CITY BUDGETS AS PRESENTED BY THE CITY SECRETARY AND APPROVAL OF **ORDINANCE # 1066-2015** AMENDING THE FY 2014-2015 FISCAL YEAR BUDGETS.

15. CONSIDER APPROVAL OF CONTRACT WITH WILNER CONSTRUCTION FOR BUILDING IMPROVEMENTS AT THE COMMUNITY CENTER AND APPROVAL OF **ORDINANCE # 1067-2015** EXPANDING THE FY 2015 GENERAL FUND BUDGET BALANCE IN ORDER TO EXPEND FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND FOR BUILDING IMPROVEMENTS TO THE COMMUNITY CENTER AND FOR AMUSEMENT RIDES AT THE ALL AMERICAN FESTIVAL.



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16. CONSIDER APPROVAL OF **RESOLUTION # 827-2015** REPEALING **RESOLUTION 812-2014** FOR SPECIAL EVENT PERMITTING AT CASTLEBERRY ELEMENTARY CHANGING THE DATE OF NOVEMBER 15, 2014 ORIGINALLY APPROVED AND LATER CANCELLED TO NOW HOLD THE TURKEY TROT EVENT ON MAY 16, 2015.

17. CONSIDER APPROVAL OF **RESOLUTION 828-2015** REVISING THE 41ST YEAR CDBG PROJECT (FY 2015) IN ORDER TO EXPAND THE PROJECT DUE TO AN INCREASE IN FUNDING.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

18. **PUBLIC HEARING CONTINUED FROM MARCH 24, 2015:** : IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED **TEXT AMENDMENT** TO COMPREHENSIVE ZONING ORDINANCE # 920-2012, AS AMENDED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) UNDER CHAPTER 14, EXHIBIT A "ZONING ORDINANCE", TO:

- i. Amend Article 14.03 "Zoning and Sign Ordinances"*
- ii. Amend Section 4 "Definitions" of the River Oaks Comprehensive Zoning Ordinance*
- iii. Amend Section 20 "Parking and Vehicular Circulation Requirements" pertaining to the parking of major recreational vehicles in the front yard on concrete surfaces only.*
- iv. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be concrete.*
- v. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that for a use other than a single-family use, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete.*
- vi. Amend Section 21 "Fence Regulations" in that a fence shall be constructed of metal, chain link, wood, masonry, or any other code approved material.*
- vii. Amend Section 21 "Fence Regulations" in that fences constructed of an ornamental material such as decorative wrought iron may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official.*
- viii. Amend Section 21 "Fence Regulations" requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.*
- ix. Amend Section 22 "Accessory Uses" in that the accessory building may not exceed the size of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings.*
- x. Amend Section 22 "Accessory Uses" requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts.*
- xi. Amend Section 22 "Accessory Uses" in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector.*
- xii. Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 13.5 in that Snow cone stands previously approved by the City Council shall be permitted to*



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- operate subject to City Council approval each year for a period not to exceed 180 days unless otherwise approved by City Council.*
- xiii. Amend Section 22 "Accessory Uses" requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure.*
 - xiv. Amend Sec. 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size.*
 - xv. Amend Section 27A "Landscaping Requirements" in that all uses that were in existence at the time of the adoption of the Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use.*
 - xvi. Amend Section 28 "Nonconformities"; "Alteration in Size of Structure" in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H.*

19. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 1060-2015 of the proposed **text amendments** to Comprehensive Zoning Ordinance # 920-2012, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance to:

- i. Amend Article 14.03 "Zoning and Sign Ordinances"*
- ii. Amend Section 4 "Definitions" of the River Oaks Comprehensive Zoning Ordinance*
- iii. Amend Section 20 "Parking and Vehicular Circulation Requirements" pertaining to the parking of major recreational vehicles in the front yard on concrete surfaces only.*
- iv. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that the parking surface after the effective date of this ordinance in any required front yard in single-family zoning district shall be concrete.*
- v. Amend Section 20 "Parking and Vehicular Circulation Requirements" requiring that for a use other than a single-family use, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, or in the alternative, may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be concrete.*
- vi. Amend Section 21 "Fence Regulations" in that a fence shall be constructed of metal, chain link, wood, masonry, or any other code approved material.*
- vii. Amend Section 21 "Fence Regulations" in that fences constructed of an ornamental material such as decorative wrought iron may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is at least 50% open and is determined to be architecturally compatible within that particular zoning district by the Building Official.*
- viii. Amend Section 21 "Fence Regulations" requiring approved screening where a lot zoned for commercial uses abuts property zoned for or used for residential uses.*
- ix. Amend Section 22 "Accessory Uses" in that the accessory building may not exceed the size of the principle structure on any individually platted residential lot and must meet all other applicable requirements for accessory buildings.*



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- x. Amend Section 22 "Accessory Uses" requiring that an approved site plan pursuant to Section 25 of the Comprehensive Zoning Ordinance as a condition for approval of a building permit application for construction of all Accessory Buildings in any commercial, industrial, Multi-Family and Planned Zoning Districts.
- xi. Amend Section 22 "Accessory Uses" in that the design and number of gasoline delivery stations or pumps be pre-approved by the City's Fire Inspector.
- xii. Amend Section 22 "Accessory Uses" in Section 22.A "Authorized Accessory Uses" # 13.5 in that Snow cone stands previously approved by the City Council shall be permitted to operate subject to City Council approval each year for a period not to exceed 180 days unless otherwise approved by City Council.
- xiii. Amend Section 22 "Accessory Uses" requiring that existing accessory buildings designed for residential human occupation may be used for human occupation, limited to family members as defined by this Ordinance providing they existed prior to the adoption of the zoning ordinance and are registered as a legal non-conforming structure.
- xiv. Amend Sec. 25 "Site Plans required for Multi-Family, Commercial, Industrial, Planned Districts and Zone Changes" in that a person is required to submit a site plan for approval of Accessory Buildings to be constructed and expansions in excess of 25% of the accessory building size.
- xv. Amend Section 27A "Landscaping Requirements" in that all uses that were in existence at the time of the adoption of the Zoning Ordinance as amended which do not meet the landscape requirements will be considered legal nonconforming subject to the provisions established in Section 28 of the Zoning Ordinance as a legal nonconforming use.
- xvi. Amend Section 28 "Nonconformities"; "Alteration in Size of Structure" in that no such nonconforming structure may be enlarged, extended, reconstructed, repaired, or altered in a way that increases its nonconformity except as provided for in section 28 H.

PUBLIC FORUM:

20. 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:

21. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(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,



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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

RECONVENE:

22. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

ADJOURN:

23. ADJOURNMENT

This facility is wheelchair accessible and accessible parking spaces are available in front of City Hall. Please contact City Hall at 817-626-5421 if you have any questions or additional needs.