

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
MAY 22, 2018**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
ASST CITY SECRETARY PAULA LUCK  
PUBLIC WORKS DIRECTOR GORDON SMITH  
POLICE CHIEF CHRIS SPIELDENNER  
BUILDING INSPECTOR STEVE SANDERS  
CITY ATTORNEY BRADLEY ANDERLE  
EMERGENCY MGT JAMES MYRICK  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
FIRE CHIEF JAMES BROWN

**ABSENT:**

NONE

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, May 22, 2018 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. PRESENTATION OF EMS PROCLAMATION AND APPROVAL OF ANNUAL MEDSTAR REPORT AS PRESENTED BY DOUG HOOTEN, MEDSTAR.

Mayor Earwood read the EMS Proclamation and presented it to Matt Zavadsky with Medstar. The Mayor introduced Chief Spieldenner and Chief Brown to the audience. Matt Zavadsky presented a slide show of their annual report.

6. STATEMENT OF ELECTED/APPOINTED OFFICIALS, "OATH OF OFFICE" AND CERTIFICATE OF ELECTION FRO CITY COUNCIL MEMBERS PLACES 2 AND 4.

Mayor Earwood presented the Certificate of Election to Joe Ashton and Steve Holland.

CS Gregory gave the Statement of Elected Official and the Oath of Office to Steve Holland, Place 2 Council Member.

CS Gregory gave the Statement of Elected Official and the Oath of Office to Joe Ashton, Place 4 Council Member with Joe's dad (Joe Ashton) holding his bible.

7. AT THIS TIME, COUNCIL WILL ADJOURN FOR RECEPTION.

At 7:28 p.m., City Council adjourned for a reception.

8. CONVENE BACK INTO REGULAR SESSION.

At 7:39 p.m., City Council convened back into Regular Session.

9. ELECTION OF MAYOR PRO-TEMPORE FOR THE 2018-2019 TERM YEAR.

Mayor Pro Tem Ashton thanked everyone allowing him to serve as Mayor Pro Tem the last two years but it is time to let someone else be Mayor Pro Tem.

**CM Scott moved, seconded by CM Butler to elected Steve Holland as Mayor Pro Tem.**

10. **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. APPROVE MINUTES OF MAY 8, 2018 REGULAR CALLED MEETING
- B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING MAY 22, 2018 (FY 2018)
- C. APPROVE APPOINTMENT OF MELODY DENNIS AS PLACE 2 MEMBER TO STORM WATER TASK FORCE (S.W.T.F.) AS RECOMMENDED BY S.W.T.F.

**CM Chisholm moved, seconded by CM Ashton to approve the Consent Agenda items #A-C. All voted "Aye".**

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

**NONE**

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

12. CONSIDER APPROVAL TO AMEND THE APRIL 24, 2018 SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 621 OAKLAWN (SPECIFICALLY THE REAR ACCESSORY BUILDING) AS REQUESTED BY NICOLE RADOUMIS, OWNER.

Nicole Radoumis son, Timothy Taylor, was present. The City received an appeal letter from Ms. Radoumis. This accessory building was once used as a guest house. The Zoning Board of Adjustments denied the non-conforming registration request for a two family dwelling on a

single lot. The owner would like to bring this accessory building up to code. On April 25, 2018, a demolition order was given to demolish the accessory building by May 24, 2018.

At 7:47 p.m., Mayor Earwood and the City Council went into Executive Session under Sections 551.071, 551.072, 551.074 & 551.076.

At 8:41 p.m., Mayor Earwood and the City Council reconvened into Open Session.

**CM Ashton moved, seconded by CM Scott to not to amend the April 24, 2018 Substandard Building Order but because minimum notification happened, Timothy Taylor will meet with BI Sanders this week for another inspection of the accessory building and then come back to City Council on June 12, 2018. The demo order will be placed on hold until the June 12, 2018 City Council Meeting. CM Ashton, CM Scott, CM Chisholm and Mayor Pro Tem Holland voted "Aye". CM Butler voted "Nay". Motion passed.**

13. DISCUSSION AND/OR ACTION ON AMENDING THE APRIL 24, 2018 SUBSTANDARD BUILDING ORDER ON THE PROPERTY AT 1617 HILLSIDE DR.

There is a potential new buyer with hopes to close on June 1, 2018. The 45 days will end on June 8, 2018 but would like to extend to the June 12, 2018 Council Meeting.

**CM Ashton moved, seconded by CM Chisholm to amend the April 24, 2018 Substandard Building Order to allow an additional four days from June 6<sup>th</sup> to June 8<sup>th</sup>, 2018 with no additional time beyond that. All voted "Aye".**

**PUBLIC HEARINGS AND ACTION FROM PUBLIC HEARINGS:**

14. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED SITE PLAN APPROVAL PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED PERMITTING THE APPLICANT, LUIS HERNANDEZ & ASSOCIATES, TO BE PERMITTED TO CONSTRUCT A NEW 3200 SQUARE FOOT SELF-SERVICE EXPRESS CARWASH WITH VACUUMING FACILITIES PLACED IN FRONT OF THE 100-FOOT TUNNEL CARWASH LOCATED ON COMMERCIAL ZONED PROPERTY AT THE INTERSECTION OF LONG AVENUE AND RIVER OAKS BLVD (4710 RIVER OAKS BLVD) THAT IS A REVERSED PIE SHAPED LOT MEASURING APPROXIMATELY 79' X 132' X 230' X 26' X 260' IN THAT THE TUNNEL CARWASH WILL BE LOCATED ON THE NORTH SIDE OF THE LOT TO WITHIN 20-FOOT OF A RESIDENTIAL ZONING DISTRICT. (ZONING CASE #SP 2018-01)

At 8:48 p.m., Mayor Earwood opened the Public Hearing.

Luis Hernandez was present. Currently Mr. Hernandez owns a full service car wash in North Richland Hills. Is proposing a self-service express carwash and vacuuming facility in River Oaks at the corner of Long Avenue and River Oaks Blvd. Predicts he will have seven to eight employees at the River Oaks location. The entrance and exit will be on Long Avenue not River Oaks Blvd. Several neighbors have been spoken to before this meeting and most were in support of the carwash as long as management was a good neighbor to them. The hours during the summer will be from 8 a.m. to 8 p.m. and during the winter from 7 a.m. to 7 p.m. There will be a sign on the building and either a pole sign or a monument sign. There will be a

wood fence and landscaping on the back to help with noise. The vacuums will have a silencer on them. A video was shown from the carwash in Westworth Village to show the noise is minimal. The Zoning Board of Adjustments granted the variance which by law Council cannot agree or disagree anything related to hardships.

Citizen Dan Dagel asked questions about the equipment room, dumpster, fire lane, trees, parking spaces for the vacuum area, the site plan that has changed from what originally proposed, and water and sewer usage.

Citizen Johnny Claridge concern was there was a plan to revitalize the boulevard with the fronts of the buildings face River Oaks Blvd.

Citizen Carl Wagner feels the drawings do not represent what it will actually be. The entrance and exits will be pointed towards the resident's homes.

The water and sewer lines will not be affected. They are large enough to handle a car wash. PC Spieldenner looked at all businesses on River Oaks Blvd with a similar lay out for entering and exiting and does not see any issues. Also looked at were other car washes outside of River Oaks and sees no issues with them which have a similar lay out.

At 9:41 p.m., Mayor Earwood closed the Public Hearing.

15. ACTION FROM PUBLIC HEARING: CONSIDER SITE PLAN APPROVAL PURSUANT TO SECTION 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED PERMITTING THE APPLICANT, LUIS HERNANDEZ & ASSOCIATES, TO BE PERMITTED TO CONSTRUCT A NEW 3200 SQUARE FOOT SELF-SERVICE EXPRESS CARWASH WITH VACUUMING FACILITIES PLACED IN FRONT OF THE 100-FOOT TUNNEL CARWASH LOCATED ON COMMERCIAL ZONED PROPERTY AT THE INTERSECTION OF LONG AVENUE AND RIVER OAKS BLVD (4710 RIVER OAKS BLVD) THAT IS A REVERSED PIE SHAPED LOT MEASURING APPROXIMATELY 79' X 132' X 230' X 26' X 260' IN THAT THE TUNNEL CARWASH WILL BE LOCATED ON THE NORTH SIDE OF THE LOT TO WITHIN 20-FOOT OF A RESIDENTIAL ZONING DISTRICT. (ZONING CASE #SP 2018-01)

Following the public hearing, Mayor Pro-Tem Holland stated that from the site plan presented at the hearing, the fire lane is not plotted correctly on the plan to meet the full 20-foot width. The City Attorney advised that the site plan as presented for approval must be exact and measurements plotted therein must be correct. City Council agreed that the only remaining incorrect site plan data was regarding the fire lane and so the applicant was advised to return with the revised site plan detailing the exact measurements of the fire lane. This item will be tabled to the Special Council Meeting on May 29, 2018 at 7:00 p.m. and the Public Hearing will remain open until then. Following the public hearing continuance on May 29, 2018, the city council will vote to consider the approval or denial of the site plan as submitted under Case # 2018-0001.

**ORDINANCES/RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:**

16. CONSIDER APPROVAL OF ORDINANCE #1186-2018 EXPENDING FUNDS FROM WATER RESERVES IN ORDER TO REPLACE 240-FEET OF WATER MAIN INCLUDING SERVICES AND APPURTENANCES IN THE REAR OF THE PROPERTY IN THE 5400 BLOCK OF TRUMAN.

On April 10, 2018, City Council approved the Truman Street water improvements. The original contract was for \$25,290.00. But with needing an additional water tap, the final invoice for this project will be \$26,340.00.

**CM Ashton moved, seconded by CM Scott to approve Ordinance #1186-2018. All voted "Aye".**

**OTHER ITEMS THAT MAY REQUIRE COUNCIL ACTION:**

17. DISCUSSION AND/OR ACTION ON THE ALL AMERICAN FESTIVAL AND FIREWORKS SHOW ON JUNE 30, 2018.

There will not be a festival this year but fireworks will be going off behind Victory Church on River Oaks Blvd.

18. DISCUSSION AND/OR ACTION FOR OUTSIDE USE AT THE COMMUNITY CENTER FOR A SMALL BAND AS REQUESTED BY SHIRLEY WHEAT.

**CM Ashton moved, seconded by CM Butler to approve the outside use of a small band at the Community Center. All voted "Aye".**

19. DISCUSSION AND/OR ACTION ON SCHEDULING A STRATEGIC PLANNING WORKSHOP.

A joint meeting workshop with the City Council, the Planning & Zoning Board and the Zoning Board of Adjustments will be held on Saturday, June 9<sup>th</sup>, 2018 from 8:00 a.m. to 12:00 p.m. The focus will be on setbacks and zoning. Involved boards need to be at this meeting and others are invited as well.

20. CONSIDER APPROVAL OF BLOOD DRIVE ON TUESDAY, JULY 17, 2018 A CITY HALL.

**Mayor Pro Tem Holland moved, seconded by CM Ashton to approve the blood drive. All voted "Aye".**

**STAFF REPORTS:**

21. UPDATE ON SUBSTANDARD PROPERTIES AT:

- 1101 OXFORD-given extension.
- 621 OAKLAWN (4721 BARBARA RD)-demo order on hold.
- 4908 ALMENA-bring back for Public Hearing.
- 1617 HILLSIDE-potential new buyer.
- 1605 MONTROSE –title search and bring back for Public Hearing.

**QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:**

22. **POLICE DEPT. MONTHLY REPORT** INCLUDING PATROL ACTIVITY, REPSONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED.

23. **FIRE DEPT. REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE AND FIRE TRAINING EXERCISES.

24. **INPSECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

25. **LIBRARY ACTIVITY REPORT** INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE.

26. **MUNICIPAL COURT** INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES

27. **PUBLIC WORKS ACTIVITY REPORT** INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS

PWD Smith updated the Council on the clarifier project at the Water Treatment Plant.

28. **PARK BOARD ACTIVITY REPORT** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD

29. **COMMUNITY CENTER ACTIVITY REPORT** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES

30. **CITY SECRETARY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEXPOOL AND CRIME SALES TAX

31. **EDC ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND REPORTING FROM WARD & ASSOCIATES, CONSULTANT, ON ECONOMIC DEVELOPMENT.

32. **STORM WATER TASK FORCE ACTIVITY REPORT** INCLUDING ACTINS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

33. **EMERGENCY MANAGEMENT ACTIVITY REPORT** INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

**PUBLIC FORUM:**

34. 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:**

35. 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.
- d. Section 551.076 Deliberation regarding security devices.

Executive Session was held earlier under Agenda Item #12.

**RECONVENE:**

36. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION


Action from Executive Session was held earlier under Agenda Item #12.

**ADJOURN:**


37. ADJOURN

**At 10:31 p.m. CM Ashton moved, seconded by CM Scott, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
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Steve Holland, Mayor Pro Tem

**ATTEST:**

  
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Marvin Gregory, City Secretary