



4900 River Oaks Boulevard  River Oaks, Texas  76114

Mayor  
**Herman D. Earwood**

Mayor Pro Tem  
**JoAnn Gordon**

City Council

Place 1  
**JoAnn Butler**

Place 2  
**Steve Holland**

Place 3  
**Joe Crews**

Place 4  
**R. R. "Bob" Minter**

City Secretary  
**Marvin Gregory**

Fire Chief  
**Ron Short**

Police Chief  
**Dan Chisholm**

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## NOTICE TO THE PUBLIC

A REGULAR MEETING OF THE RIVER OAKS CITY COUNCIL IS SCHEDULED IN THE RIVER OAKS CITY COUNCIL CHAMBERS, 4900 RIVER OAKS BLVD. ON TUESDAY

**MARCH 27, 2012**

**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, March 23, 2012 at 2:30 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) BY MAYOR:
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 COUNCIL MEETING MARCH 13, 2012
  - B. BILLS PAYABLE FOR PERIOD ENDING MARCH 27, 2012
  - C. APPROVAL OF MAYOR'S RECOMMENDATION TO TERMINATE ADMINISTRATIVE ASSISTANT
  - D. APPROVAL OF MAYOR'S RECOMMENDATION TO HIRE ANTHONY TOBAR AND GREGORY KEY AS PATROL OFFICERS
  - E. APPROVAL OF CONTRACT FOR CERTIFICATION PAY WITH CORINA MOLINAR FOR LEVEL I COURT CERTIFICATION

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION:** COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION.

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

7. PRESENTATION OF THE PLANNING FOR LIVABLE MILITARY COMMUNITIES UNDER THE HUD COMMUNITY CHALLENGE GRANT AS PRESENTED BY N.C.T.C.O.G.
8. CITIZEN APPEARANCE OF GERALD L. THOMPSON AT 5404 SAM CALLOWAY RD. REGARDING THE FREQUENCY OF SEWER BACKUPS IN 5400 BLOCK OF SAM CALLOWAY.
9. CONSIDER APPROVAL OF A TIME EXTENSION FOR A TEMPORARY BANNER FOR THE EQUESTRIAN CENTER AS PRESENTED BY KAREN ROSEBOROUGH, EQUESTRIAN DIRECTOR.
10. DISCUSSION AND/OR ACTION REGARDING CONSIDERATION OF ESTABLISHING TAX ABATEMENTS/INCENTIVES PURSUANT TO CHAPTER 312 OF THE TAX CODE OR BY A 380 AGREEMENT WITH QUIK TRIP CORPORATION.

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

11. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE **FINAL DEVELOPMENT PLAT AND SITE PLAN APPROVAL** AS SUBMITTED BY QUIK TRIP CORP IN ORDER TO BUILD A NEW 5,720 SQ. FOOT CONVENIENCE STORE ON THE PROPERTY AT 2601 JACKSBORO HWY IN ACCORDANCE TO THE CITY'S ZONING ORDINANCE FOR PROPERTIES ZONED **COMMERCIAL. (CASE # PZ 2012-02)**
12. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE **FINAL DEVELOPMENT PLAT AND SITE PLAN APPROVAL** AS SUBMITTED BY QUIK TRIP CORP IN ORDER TO BUILD A NEW 5,720 SQ. FOOT CONVENIENCE STORE ON THE PROPERTY AT 2601 JACKSBORO HWY IN ACCORDANCE TO THE CITY'S ZONING ORDINANCE FOR PROPERTIES ZONED **COMMERCIAL. (ZONING CASE # PZ 2012-02)**
13. **PUBLIC HEARING: :** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED **TEXT AMENDMENT** TO COMPREHENSIVE ZONING ORDINANCE # 883-2011, AS AMENDED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) UNDER CHAPTER 14, EXHIBIT A "ZONING ORDINANCE", TO:

1. *Revise Section 4 "Definitions": "Masonry Construction"; and*

2. *Amend Section 14 "C-1" Commercial District, by revising Section 14 D "Development Regulations" under # 7 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-1" Commercial Zoning Districts; and*

3. *Amend Section 15 "C-2" Commercial District, by revising Section 15 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions*

amounting to 50 percent or more of the existing main structure in all "C-2" Commercial Zoning Districts; and

4. Amend Section 16 "C-3" Commercial District by revising Section 16 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-3" Commercial Zoning Districts; and

5. Amend Section 21 "Fence Regulations" by revising Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard" in that fences constructed of wrought iron, ornamental iron, metal, chain-link, vinyl or other material that allow the passage of a 1 ¾" sphere are permitted in front of the designated front building line of any property zoned "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF"; provided the fence does not exceed four (4) feet in height measured from the natural contour of the land unless the fence is constructed of an ornamental material such as decorative wrought iron, then it may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is architecturally compatible within that particular zoning district and be at least 50 percent open; and

6. Amend Section 22 "Accessory Uses" by revising Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.c in that the accessory building may not exceed 1200 square feet, and providing it does not exceed the size of the principle structure on the same lot.

14. **ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF ORDINANCE # 920-2012** of the proposed **text amendments** to Comprehensive Zoning Ordinance # 883-2011, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance to:

1. Revise Section 4 "Definitions": "Masonry Construction"; and

2. Amend Section 14 "C-1" Commercial District, by revising Section 14 D "Development Regulations" under # 7 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-1" Commercial Zoning Districts; and

3. Amend Section 15 "C-2" Commercial District, by revising Section 15 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-2" Commercial Zoning Districts; and

4. Amend Section 16 "C-3" Commercial District by revising Section 16 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-3" Commercial Zoning Districts; and

5. Amend Section 21 "Fence Regulations" by revising Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard" in that fences constructed of wrought iron, ornamental iron, metal, chain-link, vinyl or other material that allow the passage of a 1 ¾" sphere

*are permitted in front of the designated front building line of any property zoned "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF"; provided the fence does not exceed four (4) feet in height measured from the natural contour of the land unless the fence is constructed of an ornamental material such as decorative wrought iron, then it may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is architecturally compatible within that particular zoning district and be at least 50 percent open; and*

6. *Amend Section 22 "Accessory Uses" by revising Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.c in that the accessory building may not exceed 1200 square feet, and providing it does not exceed the size of the principle structure on the same lot.*

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

15. CONSIDER APPROVAL OF **ORDINANCE # 921-2012** AMENDING ARTICLE 1.06 "PARKS AND RECREATION" OF CHAPTER I "GENERAL PROVISIONS" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; BY PROHIBITING PETS IN AND ON PARK PROPERTY WHETHER ON LEASH OR RUNNING AT LARGE.

**OTHER ITEMS REQUIRING POSSIBLE COUNCIL ACTION:**

16. DISCUSSION AND/OR ACTION ON COMMUNITY CENTER EVENTS AS FOLLOWS:

- i. SCHEDULE THE CHRISTMAS EVENT TO THE 1ST SATURDAY OF DEC INSTEAD OF THE 1ST FRIDAY. (CRAFT FAIR COULD TAKE PLACE ALL DAY THAT SATURDAY)
- ii. **REQUESTING FUNDS FROM THE COMMUNITY CENTER DOLLAR DONATION FUND TO RENT THE RODEO RIDES GROUP FOR (3 HRS. \$900.)** DURING CHRISTMAS EVENT BROCHURES WILL BE PROVIDED TO COUNCIL. THE THEME FOR THIS YEAR COULD BE COWBOY CHRISTMAS.
- iii. ALL AMERICAN CELEBRATION ( JUNE 30 ) LIVE ENTERTAINMENT BEGINS 6PM. (POSSIBLY HIRING THE RODEO RIDES GROUP AGAIN FOR ADDITIONAL ENTERTAINMENT.)

17. CONSIDER APPROVAL TO COMMEMORATE THIS YEAR'S CLEAN UP EVENT IN MEMORY OF KATHERINE WILSON.

**STAFF REPORT:**

18. **STAFF REPORT ON SUBSTANDARD PROPERTIES UNDER COUNCIL ORDER:**

- 1129 ST. EDWARDS
- 5314 ½ AMHERST
- 1205 CHURCHILL
- 1409 LAWRENCE

- 4525 ALMENA
- 5519 NOTRE DAME

19. **REPORT ON SUBSTANDARD PROPERTIES UNDER ORDER OF BUILDING OFFICIAL:**

- 1712 LAWYER
- 5414 BAYLOR
- 720 WINTERS
- 4824 SHERWOOD
- 1616 LAURA (VACANT)
- 4608 ALMENA
- 715 ISBELL

**QUESTIONS RELATED TO STAFF REPORTS INCLUDING:**

20. **POLICE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS FOR SERVICE INCLUDING CITATIONS ISSUED.

21. **FIRE DEPARTMENT MONTHLY ACTIVITY REPORT** INCLUDING NUMBER OF CALLS FOR SERVICE.

22. **INSPECTIONS AND CODE COMPLIANCE MONTHLY ACTIVITY REPORTS** INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED.

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

24. **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.

25. **PUBLIC WORKS MONTHLY 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.

26. **PARK BOARD MONTHLY ACTIVITY REPORTS** INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD.

27. **COMMUNITY CENTER ACTIVITY REPORTS** INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES.

28. **CITY SECRETARY MONTHLY ACTIVITY REPORT** INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX.

29. **EDC MONTHLY ACTIVITY REPORT** INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS.

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

**PUBLIC FORUM:**

31. 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:**

32. 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

**RECONVENE:**

33. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**ADJOURN:**

34. ADJOURN

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.