

**MINUTES OF THE REGULAR MEETING  
RIVER OAKS CITY COUNCIL  
MARCH 14, 2017**

**MEMBERS PRESENT:**

MAYOR PRO TEM JOE ASHTON  
COUNCIL MEMBER STEVE HOLLAND  
COUNCIL MEMBER JOANN BUTLER  
COUNCIL MEMBER JOANN GORDON  
COUNCIL MEMBER BRUCE SCOTT

**STAFF PRESENT:**

CITY SECRETARY MARVIN GREGORY  
POLICE CHIEF AVIN CARTER  
PUBLIC WORKS DIRECTOR GORDON SMITH  
ASST CITY SECRETARY PAULA LUCK  
EDC COORINATOR PATRICIA WARD  
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT  
COMMUNITY CENTER DIRECTOR SHIRLEY BLOOMFIELD  
CITY ATTORNEY BETSY ELAM  
EMERGENCY MGT JAMES MYRICK

**ABSENT:**

MAYOR HERMAN EARWOOD-excused

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Ashton called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, March 14, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

CM Gordon delivered the *Invocation*.

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

CM Gordon 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**

A. MINUTES OF FEBRUARY 28, 2017 COUNCIL WORK SESSION

B. APPROVE BILLS PAYABLE FOR THE PERIOD ENDING MARCH 14, 2017 (FY 2017)

C. APPROVE CERTIFIED PAY AGREEMENT WITH ELIZABETH BLEVINS FOR CODE ENFORCEMENT 2 CERTIFICATION

**CM Gordon moved, seconded by CM Scott to approve the Consent Agenda. All voted "Aye".**

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 DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

**NONE**

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

7. CONSIDER REQUEST BY SHIRLEY WARD OF THE NORTH TEXAS CHAPTER OF HUTCHISON BELL/NORTH TEXAS FLORIDA COLLEGE BOOSTER CLUB FOR REDUCED RENTAL FEES FOR USE OF THE COMMUNITY CENTER AS A NON-PROFIT ORGANIZATION.

Shirlee Ward was present to request discounted rate at the Community Center as a non-profit organization. This organization, which has a 501c, is made up of volunteers who provide scholarship money and opportunities to Florida College, a private Christian college in Temple Terrace, Florida. The scholarship money generated by the activities is awarded to local high school students. This organization holds annual membership drives which is a family event with a cook out. The Community Center has been reserved for April 1<sup>st</sup> and the deposit has been paid. CM Gordon commented that this organization is not based in our community and is opposed of this.

Shirlee Ward inquired about bringing grills. CS Gregory stated since grills are covered there will be no issue. Community Center Director Bloomfield suggested a monitor since there will be grills. Normally there are no monitors for a civic group.

**CM Scott moved, seconded by CM Butler to approve that this organization be considered a civic group and be charged \$40 an hour and to include the option of a monitor at \$15 an hour. CM Gordon voted "Nay". CM Scott, CM Butler, CM Holland, and Mayor Pro Tem Ashton voted "Aye". Motion passed 4 to 1.**

8. CONSIDER APPROVAL OF PROPOSAL FROM NEVILL DOCUMENT SOLUTIONS TO UPGRADE EXISTING COPIER CONTRACT WITH KONICA MINOLTA.

Kory Harmon with Nevill Document Solutions was present. Mr. Harmon passed out a summary packet to the Council. Mr. Harmon went over the breakdown of the current costs of our current copy machines with Konica Minolta vs the new costs of new copy machines with Nevill. Nevill will take the current Konica Minolta machines and hold them until the lease is up. A check in the amount of \$20,862.54 will be issued to the city from Nevill for the base charge of all machines until the end of the contract period so the city can continue paying Konica Minolta their monthly payments. Once the contract with Konica Minolta is up, Nevill will contact the city and make arrangements to give the machines back to Konica Minolta. References are available in the back of the packet.

If the contract is signed in March, the city will be saving \$312.82 monthly/\$18,769.20 for 60 months. If the contract is signed in April, the city will be saving \$202.82 monthly/\$12,169.20 for 60 months. CM Holland verified the check amount, the monthly charges and the savings with Mr. Harmon; and mentioned that Nevill will not be profiting from this. Mr. Harmon commented that they are just trying to get good references. And hopefully when the contract ends, the city will renew. The training and post scale commitment is good. A service call is guaranteed in four hours or less. Technicians overlap in this area so a service call is closer to 1-

1/2 hours. CS Gregory stated the current service with Konica Minolta is terrible. We have waited four days for service. The Maintenance Agreement in this packet, the black and white copies and colored copies fees are switched and needs to be fixed.

**CM Gordon moved, seconded by CM Scott to approve the proposal from Nevill Document Solutions subject to City Attorney review of the contract. All voted "Aye".**

9. CONSIDER APPROVAL TO WAIVE CIVIL PENALTIES ON SUBSTANDARD PROPERTY AT 5008 SHERWOOD DR. UNDER AGREEMENT FOR THE REPAIR AND ABATEMENT OF CODE VIOLATIONS DATED FEBRUARY 29, 2016 NOT COMPLIED WITH IN THE ALLOTTED TIME.

Joleen Skipworth of Pat Gray Real Estate was present. CS Gregory stated the only items left are batteries in the smoke detectors and tree abatement. Past civil penalties are \$33,525.00 and current civil penalties are \$28,350.00 which totals \$61,875.00. Ms. Skipworth stated this property is owned by the bank. Roundpoint Mortgage had thought the work was complete. The two items remaining can be done very quickly. Mayor Pro Tem Ashton mentioned this is a penalty and does not want to waive all penalty fees.

**CM Holland moved, seconded by CM Gordon to reduce the civil penalties from appx \$62,000 to \$8,000 provided that the property is brought into full compliance within 10 days. All voted "Aye".**

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

10. CONSIDER APPROVAL OF RESOLUTION #889-2017 FOR SPECIAL EVENT PERMITTING IN ORDER TO HOLD A CAR SHOW AT THE RIVER OAKS COMMUNITY CENTER LOCATED AT 5300 BLACKSTONE DR. ON SATURDAY, APRIL 29, 2017 FROM 11:00 AM UNTIL 3:00 PM.

**CM Gordon moved, seconded by CM Butler to approve Resolution #889-2017. All voted "AYE".**

11. CONSIDER APPROVAL OF ORDINANCE #1139-2017 AMENDING ARTICLE 4.02 "PEDDLERS, SOLICITORS, AND ITINERANT VENDORS" CHAPTER 2, OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; REPEALING THE FORMER PROVISIONS AND INCORPORATING REVISED PROVISIONS REGARDING PEDDLERS AND SOLICITORS WITHIN THE CITY.

CA Elam said there has been no change in this Ordinance since it was presented at the last Council Meeting because the other attorney in her office feels this ordinance already addresses organizations like Girl Scouts. Audience members questioned about political soliciting.

This item will be held until the March 28, 2017 meeting for further clarification.

12. CONSIDER APPROVAL OF RESOLUTION #886-2017 AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDTURES FROM THE 2016-2017 FISCAL YEAR BUDGET AS QUALIFIED FOR A PROJECT MORE THAT \$10,000.00 FOR TRANSIT SERVICE WITHIN THE CITY HAVING BEEN FOUND BY THE EDC DIRECTORS SUITABLE TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES WITHIN THE CITY THAT CREATE OR RETAIN JOBS PURSUANT TO THE LOCAL GOVERNMENT CODE TITLE 12 "PLANNING AND

DEVELOPMENT", CHAPTER 505 "TYPE B COPORATIONS"; AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

At this time Mayor Pro Tem Ashton opened this item up for the audience to speak. All audience members who wish to speak will fill out a "Special Permission to Speak before the City Council" form.

Shirley Wheat-5400 Dartmouth & Shirley Bloomfield-5109 Langley: They are here as citizens and taxpayers, not employees. Asked council what they thought the bus service will bring to the city. CM Gordon said it would help bring in people to work in our city and bring in people to shop. Also help the River Oaks citizens with transportation issues. Mayor Pro Tem Ashton mentioned he has been noticing several bus stops on his way to the City of Forest Hill daily. He has not seen many people at the stops. The main thing is offering the MITS service. Shirley Wheat & Shirley Bloomfield said they had gone around to a lot of the stops in the Northside area and also never saw many people at the stops. They called the City of Arlington to find out why they do not have bus service. They have a service like MITS but it is with Yellow Cab. Shirley Wheat called MITS and said you have to call 90 minutes in advance of them picking you up anywhere. Shirley W and Shirley B showed some pictures of all the stops they went to which showed the dilapidated houses, trash, junk and debris, and some people. They also talked with a couple of business and said they have people always coming in asking for money and/or to use the restroom. Shirley W and Shirley B passed out documents to the Council and the audience that showed crime statistics but none are in River Oaks just like the pictures aren't. Shirley Wheat wants the first stop on the boulevard to be at the Firemen memorial in front of the Fire Dept. Mayor Pro Tem Ashton said we pay better attention to our city than others.

Robert Brown-1025 Lydick Lane: He is for the MITS service but not the bus service. A lot of people are living behind the QT and bowling alley. Having the bus service will bring in more people to mess the boulevard up.

Chuck Dale-1118 Yale: School kids walking and bicycling up and down the streets while cars are speeding up and down the streets. Mayor Pro Tem Ashton said the bus service will not go onto residential streets. Mr. Dale is talking about school buses. Mayor Pro Tem Ashton referred Mr. Dale to the Police Chief if requesting a speeding zone change or speed bumps. Mr. Dale mentioned he was opposed to the bus service.

EDC Coordinator Patricia Ward: Looks at this as an economic development tool. This will raise values on the commercial properties. There is a lot of multifamily growth around us and the bus service is needed. In Dallas, a lot of people use the mass transit service. A lot of people use the transit service also in Fort Worth on 7<sup>th</sup> street due to limited parking.

Curvie Hawkins with Fort Worth Transportation Authority: a trash can is provided at the sheltered locations. He has been getting phone calls from developers asking for bus service. South Fort Worth is asking for transit service because a lot of people work in the hospital district. They are currently trying to work out an agreement with the Military Base.

Sal Limas-5024 Black Oak Lane: Asked is there data to back up the Council's decision. And is EDC going to recoup their \$35,000 investment. Mayor Pro Tem Ashton said there are certain criteria in place that EDC funds can be spent on and the transit service is on the list. EDC is

funded by sales tax. \$35,000 is real money but a small amount compared to \$170,000 which was the first offer from the Transportation Authority.

David Vega-4833 Ohio Garden Rd: Asked why the EDC denies the request of business & developers when they request for funds. There is nothing in River Oaks for people to stop at. He asked if there was a termination fee. Most cities are getting rid of buses after three years because they aren't taken care of. Mayor Pro Tem Ashton responded that it is not the city's responsibility for the wear and tear on the buses. Curvie Hawkins also responded that there will be an hourly cost to remove the benches when the contract is terminated. Mr. Vega said there needs to be more work done on getting retail in River Oaks.

Cheryl King-813 Merritt: Doesn't think there was a true canvassing of this issue. Doesn't feel half of the citizens know about this. Mayor Pro Tem Ashton mentioned that 10 years ago a survey was sent out to every resident in regards to another issue. There was very little response from the survey. Ms. King said this is a very expensive way to provide transportation service for the elderly.

Randy Hooper-4634 Ohio Garden Road: Asked for a show of hands on who would ride the bus. Feels this will not benefit the citizens. A lot of people will not walk to the bus stop from their homes to use.

Anthony Lobreto-905 Hallum: We need a grocery store instead of a church. Mayor Pro Tem Ashton mentioned according to constitutional changes, a church can open up anywhere no matter what the zoning is. Doesn't know if the people from the church will use the bus service or use their own vehicles. Feels the amount being offered from the Transportation Authority is a good deal. The City Attorney will review the contract and catch unseen figures.

David Vega-4833 Ohio Garden Road: wants to talk about a grocery store. Mayor Pro Tem Ashton said we cannot talk about it because it isn't on the agenda.

Sherri Dast-4404 Almena: Asked why so few cities are taking advantage of this service. Shawn Donaghy with the Transportation Authority said it is a matter of history. Some had the service years ago. Now the Transportation Authority is expanding their services. He hasn't talked with some of the cities yet. Mayor Pro Tem Ashton said Richland Hills got out of their contract because of the cost. It was costing them about a million dollars.

Mayor Pro Tem Ashton commented that he does listen to all input and it for the transit service. CM Scott appreciates everyone coming out tonight. He feels the community needs to be better informed. CM Butler is opposed. CM Holland knows people who walk down to the QT to ride the bus. There are people who need this service and he doesn't know if this opportunity will be here again.

**CM Gordon moved, seconded by CM Holland to approve Resolution #886-2017 (second reading). CM Butler and CM Scott voted "Nay". CM Gordon, CM Holland and Mayor Pro Tem Ashton voted "Aye". Motion passed 3 to 2.**

13. DISCUSSION AND/OR ACTION ON CONTRACT APPROVAL WITH FORT WORTH TRANSPORTATION AUTHORITY (FWTA) IN ORDER TO PROVIDE TRANSIT SERVICE WITHIN THE CITY OF RIVER OAKS.

**CM Holland moved, seconded by CM Gordon to approve the contract with FWTA with City Attorney approval. CM Scott and CM Butler voted "Nay". CM Holland, CM Gordon and Mayor Pro Tem Ashton voted "Aye". Motion passed 3 to 2.**

**PUBLIC FORUM:**

14. 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**

Robert Brown-1025 Lydick Lane: Mentioned it was great living in River Oaks because of the Police and Sanitation service. Would like Ordinance #604-02 revisited which is placement of garbage cans on the curb. In August of 2015, he had put a trash can on the curb with a trash bag in it expecting the sanitation workers to pick the trash can and bag up. The trash bag was gone but the trash can was still there. Since then he has put the trash can on the curb with trash bags in it. In January 2017 he received a notice which was dated October 2016 about not placing trash cans on the curb. He had contacted PWD Smith and CS Gregory. On February 13, 2017 he put the trash can back on the curb to be picked up per PWD Smith's instructions. Trash can was not picked up by the Sanitation crews. Mr. Brown saw the crews a few houses down so he went and told them to pick the trash can up and get rid of it. The crews picked the can up and disposed of it. In regards to bulk service: bulk pick up is supposed to be every Wednesday. There have been times where for a couple of weeks, there has been no bulk pick up service. He had tree limbs to be picked up so he called the PW department and was told they will pick it up the next day. The crews did come out but left a bunch of debris and the curb and grass were messed up. Mr. Brown cleaned the debris up himself. Bottom line if it says bulk pick up is every Wednesday, then it needs to be every Wednesday.

David Vega: City is going backwards. Mentioned his bulk pick up did not get picked up for five weeks. Mr. Vega then started talking about the bus service. Mayor Pro Tem Ashton told him the bus service was just voted on and we aren't talking about it anymore. Mr. Vega continued to talk about the bus service. CM Holland said "Point of Order" and moved to adjourn. (see Agenda item #17)

**EXECUTIVE SESSION:**

15. 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, 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:**

16. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

**NONE**

**ADJOURN:**

17. ADJOURN

**At 9:43 p.m. CM Holland moved, seconded by CM Butler, to adjourn the meeting. All voted "Aye".**

**APPROVED:**

  
Joe Ashton, Mayor Pro Tem

**ATTEST:**

  
Marvin Gregory, City Secretary

