



MINUTES

REGULAR COUNCIL MEETING

March 3, 2009

The City Council of the City of Forest Hill met on the above date at 7:06 p.m. with Mayor James Gosey presiding. The following council members and officials were present: Council Members Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Andrew Sanders, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debra Maness, Fire Chief Pat Ekiss, Acting Public Works Director Roberto Duenes, Economic Development and Community Relations Director Venus Wehle and Finance Director Clifford Blackwell, III.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor Gosey called the meeting to order at 7.06 p.m.

B. Invocation

Invocation was delivered by Council Member Drew Sanders.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited.

D. Proclamation – “Poison Prevention Week”

Mayor Gosey proclaimed March 15-21, 2009 as Poison Prevention Week, to encourage our citizens to learn about the dangers of accidental poisonings and to take more preventive measures.

E. Citizens Presentation: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

Ms. Beckie Hayes, 7317 Woodbridge Drive, Forest Hill, Texas – had questions on transportation and procedures and rights as a candidate running for council.

F. Staff Reports

City Manager – The public hearings on the following properties are being re-noticed and postponed until the March 17th Council Meeting.

4124 Mansfield Highway

7314 Colonial Drive

7316 Colonial Drive

3407 Bisbee Street

4607 California Parkway

G. Consent Agenda: - All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Consider minutes of February 3, 2009 council meeting.
2. Consider minutes of February 17, 2009 special council meeting and joint workshop with the Community Development Corporation.
3. Consider Agreement for Election Services between the City of Forest Hill and Forest Hill Library District.
4. Consider Ordinance No. 2009004, an ordinance prescribing the number of positions in each classification of firefighter and police officer.
5. Consider Resolution 04-2009, a resolution resolving to prevent mining and drilling on city property being utilized for a Texas Parks and Wildlife development project.

Mayor Pro Tem Sami made a motion to approve consent agenda. Seconded by Council Member Thomas and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

H. Deliberation Agenda

6. Discuss the bonding of key personnel. (Clifford Blackwell)

Clifford Blackwell, Finance Director, explained to the Council that it was not uncommon for employees to be bonded. This insures the operations of the City against theft of fraud. The staff will go out and seek a reputable bonding agency to bond staff members. No action was taken on this item.

7. Consideration and approval of Resolution 05-2009 by the City Council of the City of Forest Hill, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c212; and providing an effective date. (Clifford Blackwell)

Discussion was led by Clifford Blackwell, Finance Director and Mark McLiney with Southwest Securities. At the February 17, 2009 Council meeting, the Council decided that with the possibility of issuing more debt would not have an impact on the City's tax rate, the intended uses should be 1) constructing street improvements, including sidewalks, curb, gutter, and drainage incidental thereto 2) acquiring and constructing a recreation/youth center 3) renovating equipping, enlarging, and improving the Community Center 4) purchasing equipment, machinery, and technological improvements 5) purchasing supplies, materials, land, rights-of-way for authorized needs and 6) payment of professional services related to the construction and financing of the projects. City staff acknowledges that once these certificates of obligation have been issued, no funds will be expensed without the consent of the City Council.

Council Member Thomas made a motion to approve Resolution 05-2009, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation. Seconded by Council Member Dalcour and **passed** as follows

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

8. Discuss and consider the awarding of bid for 2008 – 2009 Street Rehabilitation for the City.(David Miller)

Bobby Samuel, with Kimley-Horn explained to the Council that on February 9, 2009 the City received fourteen bids for the 2009-2009 Street Rehabilitation. Mr. Samuel also explained that due to the number of bids received, contractor qualification packages from the five (5) lowest bidders had been requested for review. Mr. Samuel stated that based on Kimley-Horn's review of the qualifications submitted and coordination with City Staff, that Advance Paving Co. shall be considered the lowest responsible bidder, with a bid of \$520,543.55

Mr. Gary Reynolds, 701 Industrial Blvd, Euless, Texas, owner of Reynolds Asphalt, spoke before the Council, stating that Reynolds Asphalt has been in business for 28 years. They have four hot mix plants and two asphalt plants. Reynolds Asphalt is located in Euless and has accomplished numerous jobs in the Dallas and Tarrant County area.

Mr. James Humphrey, 8149 Confederate Park Road, Fort Worth, owner of JLB Contracting, Inc. spoke before the Council. JLB Contracting has been in business 47 years (20 asphalt) and has an asphalt plant. Mr. Humphrey also stated that in response to the City's concerns with his firm's responsiveness with issues on Forest Hill Circle, that he will be our contact person for any problems and they would be handled immediately. JLB has performed numerous jobs in the Tarrant County area.

Council Member Masimini made a motion to table this item. Seconded by Council Member Sanders.

City Manager, David Miller, informed the Council that if this item was tabled, the motion should state tabled to a date certain. Also, if the Council were to choose to award the bid to a company not having the lowest bid, they must allow the companies that had lower bids to come before the Council.

Council Member Masimini withdrew his motion and Council Member Sanders withdrew his second.

Council Member Thomas made a motion to table this item until March 17, 2009 to receive additional information. Seconded by Council Member Joubert and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert and Sanders

Nays: Council Member Masimini, Mayor Pro Tem Sami and Mayor Gosey

9. Discuss and consider TRTC request for \$2,500 to be issued to HillCo for efforts on behalf of the City and the Region in transportation legislation. (David Miller)

Council Member Joubert made a motion to authorize the City to issue a check to HillCo in the amount \$2,500. Seconded by Council Member Masimini and passed as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

10. Discuss the rules and procedures of agenda preparation. (Mayor Gosey)

This item was moved to Executive Session to seek legal advice.

I. Mayor and Council Reports

Council Member Masimini gave update on transportation issues. He stated that to maintain our roads at current status would require \$12 billion, to expand would require \$14 billion. In the packet was a report card on the streets for the state and he felt that this report card represented our area as well. Councilman Masimini also stated that Mayor Trevino of North Richland Hills was an excellent advocate for our area on transportation. At Council Member Masimini's request, City Manager, David Miller, gave an update regarding the regional rail initiative.

J. RECESS INTO EXECUTIVE SESSION - Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

11. Pending or Contemplated Litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

Destructors, Inc. vs. City of Forest Hill

Council recessed into executive session at 8:45 p.m.

K. Reconvene into regular session.

Council reconvened into regular session at 9:46 p.m.

L. Take any action necessary pursuant to executive session.

Council Member Dalcour made a motion to reconsider the motion to table item number 8, discuss and consider awarding bid for 2008-2009 Street Rehabilitation for the City.

Further discussion: Council Member Thomas asked why would there be a problem waiting until the next meeting to vote on this item. She believes that it is wrong to vote to award a bid that is \$47,000 higher than the lowest bid. Council Member Thomas wanted this item to stay tabled.

There was discussion on the proper procedures to reconsider a tabled item.

Motion died due to lack of second.

M. Adjournment

With no further business to discuss, council adjourned at 9:53 p.m.

Respectfully submitted,

Approved:

Debra W. Maness, City Secretary

James Gosey, Mayor